

CONGRESSIONAL BLACK CAUCUS
HEARING
ON POLICE BRUTALITY

Rayburn Room 2226
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1 P R O C E E D I N G S

2 MR. CLYBURN: Good morning. Let me
3 begin by thanking all of you for being here
4 today. I also want to thank my distinguished
5 colleagues: Danny Davis of Illinois and
6 Gregory Meeks of New York, for all their work
7 in putting together today's hearing.

8 I also want to thank Congressman
9 Bobby Scott of Virginia for joining us here
10 today. Their continued commitment to the
11 issue of police brutality is unparalleled.
12 Let me also say that these two gentlemen did
13 not begin addressing the issue of police
14 brutality when they came to Congress. They
15 were active participants in their respective
16 communities long before they ever addressed
17 the issue here in the Congress.

18 Prior to coming to Congress,
19 Congressman Davis served for eleven years as
20 a member of the Chicago City Council as
21 Alderman for the 29th Ward. He is the
22 Founder/President of the Westside Association

1 for Community Action and has been a leader in
2 our nation in community health care.
3 Representative Meeks, a former state
4 prosecutor, has worked for more than two
5 decades on the grassroots level of civil
6 rights. As a founder of the Jesse L. Jackson
7 Independent Democratic Club, later renamed
8 the Thurgood Marshall Regular Democratic
9 Club, Congressman Meeks has addressed this
10 issue of police brutality on a daily basis.

11 So, I want to take this opportunity
12 to thank them for their efforts and
13 steadfastness in keeping the Congressional
14 Black Caucus focused on this issue. As
15 co-chairs of the Congressional Black Caucus'
16 Task Force on Police Brutality,
17 Representatives Davis and Meeks have
18 spearheaded the Caucus' efforts with regards
19 to police brutality.

20 Through their leadership on this
21 issue, they have brought before us today a
22 distinguished expert panel of law enforcement

1 officers, Administration officials, civil
2 rights groups, and victims of police
3 brutality, who will share with us a wealth of
4 information on the subject. So, on behalf of
5 all members of the Congressional Black
6 Caucus, I am delighted to say thanks to both
7 of you for your continued efforts.

8 To the panelists who will share
9 testimony today, thank you for taking the
10 time out of your schedules to participate in
11 today's hearing. Your testimony will put a
12 face on this incessant problem that faces us
13 as a nation.

14 Let me also say that today's
15 hearing is the first of a series of regional
16 hearings which the Congressional Black Caucus
17 will hold around the country. We hope to
18 gain a better understanding of this problem
19 of police brutality.

20 We plan to hold similar hearings in
21 New York, Los Angeles, Houston, Chicago, and
22 Atlanta. At the conclusion of these

1 hearings, we will issue recommendations for
2 dealing with this problem which has placed an
3 ugly stain on the fabric of our nation, a
4 stain that is too often the blood of
5 minorities who seem disproportionately
6 affected. So, again, I thank you for your
7 participation in today's hearing.

8 Every day, thousands of men and
9 women who have taken a solemn oath to serve
10 and to protect get up, don their uniforms,
11 and wear proudly the badge that symbolizes
12 this oath. Risking their lives is an
13 understood hazard of the job.

14 Yet these fine men and women of our
15 nation's police force do it every day and
16 without hesitation. We are often accused of
17 overshadowing their work because so often we
18 find ourselves focusing on a few bad cops who
19 overstep the boundaries and commit acts of
20 police misconduct. The media is often quick
21 to headline these incidents of police
22 brutality.

1 So we are often accused of ignoring
2 the acts of heroism performed by these men
3 and women every day. It is rare to find the
4 amount of coverage that these incidents get
5 to the Officer of the Year, but we here in
6 the Congress feel that we do a pretty good
7 job of recognizing these brave men and women.
8 I, for one, very often send letters of
9 commendation, enter into the Congressional
10 Record the acts of heroism that we see
11 throughout our communities. It just so
12 happens that these do not get the same kinds
13 of headlines.

14 We believe in those good officers.
15 People like First Sergeant Frankie L. Lingard
16 of the South Carolina Highway Patrol who lost
17 his life 18 months ago while protecting the
18 safety of his community. These brave men and
19 women deserve our gratitude and I, for one,
20 am grateful for their service.

21 But the issue of police brutality
22 grows from the concern that minorities,

1 particularly African-Americans, have been
2 victims of police brutality more often than
3 any other segment of our population. Recent
4 surveys reveal that many Americans believe
5 that there is a double standard of justice in
6 our country, one for whites and another for
7 minorities. America's eyes were opened to
8 this issue during the Rodney King videotape,
9 trial, and aftermath.

10 Speaking on the subject of police
11 brutality, Attorney General Janet Reno
12 stated, "The issue is national in scope and
13 reaches people all across America.
14 Especially in minority communities," she
15 continues, "residents believe the police use
16 excessive force; that law enforcement is too
17 aggressive; that law enforcement is biased,
18 disrespectful; and that they are being
19 treated unfairly."

20 A report issued by Amnesty
21 International concluded that shootings,
22 injuries, and even deaths in police custody

1 across the nation have risen significantly in
2 recent years, with more than two-thirds of
3 the victims belonging to racial minorities.

4 The report continues that while
5 claims of police brutality have increased,
6 there has not been a corresponding increase
7 in prosecutions for beatings or unjustified
8 shootings by on-duty police officers. This
9 report follows an 18-month investigation of
10 police brutality.

11 Cases of police brutality have been
12 made into national headlines. We have all
13 heard them, and each time we do we lose a
14 little bit of our trust in the men and women
15 who are commissioned to serve and to protect.
16 Cases such as that of Mr. Diallo, whose
17 father is here today and will testify. This
18 young man, a street vendor in New York, was
19 killed in a four-to-one gunshot barrage on
20 February 4th of this year.

21 Mr. Diallo was gunned down in the
22 vestibule of his home in the Bronx. Officers

1 in this case said that they were responding
2 to a call regarding a rapist.

3 This past November, in Salem,
4 Virginia, a 77-year-old woman, Goldie Akers,
5 was sprayed with pepper spray and pulled from
6 her car, in her front yard, by a police
7 officer during a confrontation over a minor
8 police violation.

9 So, as you can see, these cases are
10 not isolated to the urban areas or one
11 geographic region, nor is it a respecter of
12 age or gender. This is a national crisis,
13 and we are here today to begin to address it
14 by exploring strategies and solutions for
15 fixing this problem.

16 Prosecuting Officers accused of
17 police brutality has proven to be a difficult
18 task for prosecutors. Sometimes fellow
19 officers have been accused of perpetuating a
20 "blue wall of silence" to protect their own,
21 even when they know the officer is wrong,
22 sometimes dead wrong. We must make it clear

1 that it is unacceptable and intolerable for
2 officers who take an oath to protect and
3 defend to keep silent about a fellow
4 officer's misdeeds.

5 It is time that federal, state, and
6 local governments take steps to address this
7 practice and to make police departments more
8 accountable. We in this Congress and this
9 Administration must continue to make solving
10 the problem of police brutality one of our
11 highest priorities.

12 The public also has a role to play
13 in addressing this issue. The Congressional
14 Black Caucus has compiled a list of helpful
15 tips that citizens can use to prevent
16 becoming victims of police brutality. These
17 tips are being published in card form by the
18 Congressional Black Caucus. This handy card,
19 which is patterned after one which was issued
20 some years ago by other groups such as the
21 ACLU, is a common-sense approach to trying to
22 help individuals who find themselves involved

1 in situations with the police. We are asking
2 all civil rights groups, all organizations,
3 community based and otherwise, to reproduce
4 these tips and distribute them in their
5 communities.

6 I have, for the benefit of the
7 computer buffs, placed this card on my Web
8 site, and it can be accessed at
9 www.house.gov/clyburn/ I suppose that's how
10 it is supposed to be said, under the CBC
11 button. Please download this handy card and
12 carry it in your wallet as a reminder of some
13 steps you can take in preventing this
14 problem.

15 If we love our communities, then we
16 must do everything we can to help them stay
17 safe. Every one of us must take
18 responsibility to do what we can to help
19 solve the problem of police brutality. Each
20 one of us can make a difference, and every
21 one of us has an obligation to try. Again,
22 thanks to these colleagues of mine for

1 spearheading this effort. To all of you,
2 thanks for being here today, and we look
3 forward to your testimony. At this time I
4 would like to yield to Mr. Danny Davis of
5 Illinois.

6 CONGRESSMAN DAVIS: Thank you very
7 much, Mr. Chairman, and let me first of all
8 commend and congratulate you for your
9 outstanding leadership not only on this issue
10 but any number of issues that face
11 African-Americans, the minority community,
12 and this country as a whole.

13 I also want to commend and
14 congratulate my co-chair, Representative
15 Meeks, and his staff from New York, for all
16 of the outstanding work that have done in
17 making sure that we come to this day. It is
18 also a pleasure to see that we are joined by
19 Representative Scott, Delegate Norton, and
20 Delegate Christensen.

21 In Chicago, Ms. Vadie McGee,
22 a 67-year-old African-American woman, is

1 attacked, assaulted, and arrested by two
2 white police officers in 1998. Jeremiah
3 Mearday, an 18-year-old African-American male
4 is beat up by police, who were later fired.
5 Two young boys, 7 and 8, were arrested by
6 police and charged with the rape and murder
7 of 11-year-old Ryan Harris. DNA evidence
8 would later reveal that the boys were
9 innocent and could not have possibly
10 committed this crime.

11 Eric Holder, an African-American
12 Chicago police officer, beaten while off duty
13 by white police. In Riverside,
14 California, 19-year-old Tyisha Miller gunned
15 down by four white officers while she sat in
16 her car. Of course, in New York, Amodou
17 Diallo shot at 41 times and hit 19 times at
18 the hands of four white police officers.
19 Abner Louima was sodomized and beaten by
20 police while he was handcuffed.

21 In Maryland, recently an
22 African-American man was killed after he was

1 pulled over by police and the officer's gun
2 accidentally discharged. In Pittsburgh,
3 Jonny Gemmage was killed by the police. In
4 Detroit, Malice Green killed at the hands of
5 the police.

6 In Florida, Torrey Jacobs, age 17,
7 shot five times and killed by police when
8 they mistook his lighter for a loaded gun.
9 From the west coast to the east coast, from
10 north to south, police brutality and the use
11 of excessive force has shaken many
12 communities' faith in law enforcement. It is
13 no longer shocking to pick up the newspaper
14 and read accounts of African-Americans and
15 Hispanics being pulled over by police and
16 accidentally shot.

17 Our country was founded on the
18 premise that all men, and it should have
19 women, are created equal, that they are
20 endowed with certain unalienable rights, and
21 that among these are life, liberty, and the
22 pursuit of happiness. I assure you that

1 there can be no liberty and there can be no
2 happiness if there is no equality and equal
3 justice in application of the law.

4 Police brutality, racial profiling,
5 strip searches, and use of excessive force
6 have cost our country a great deal. What is
7 happening to African-Americans and minorities
8 today is reminiscent of the days of George
9 Wallace, Bull Connor, Jim Crow, and Jay Edgar
10 Hoover.

11 Many of my constituents have
12 expressed a concern that if you're not white,
13 the chance of your being abused and
14 unnecessarily harassed by law enforcement
15 officials increases many-fold. In other
16 words, as we close out the 20th Century,
17 Plessy v. Ferguson, separate but equal is
18 still endemic in many of our institutions and
19 throughout society.

20 Police misconduct among a minority
21 of our nation's 700,000 law enforcement
22 officers has led to a mistrust of law

1 enforcement in many minority communities
2 throughout the country. This mistrust can be
3 seen when young African-American boys run
4 away when they see the police, not because
5 they've committed a crime but because they
6 fear the police are about to harass them.

7 The same can be said when an
8 African-American male driving a nice car, who
9 happens to be on the wrong side of town, in
10 the wrong neighborhood, at the wrong time of
11 day. Police will find a reason to pull him
12 over. This racial profiling is racist,
13 humiliating, degrading, and it must stop.

14 Because of our concern regarding
15 this issue, I, along with 23 members of the
16 Congressional Black Caucus, sent a letter to
17 President Clinton in February requesting that
18 he establish a commission to examine police
19 abuse. I'd like to have that letter added to
20 the record.

21 We also introduced a resolution
22 which condemns acts of police brutality,

1 which up to this point the Congress has
2 failed to act on.

3 Police misconduct has forced cities
4 to pay tens of millions of dollars in damages
5 to victims in response to civil suits. In
6 Chicago alone, taxpayers have spent over \$29
7 million in the last two years to settle civil
8 lawsuits. This money pales in comparison to
9 the pain and loss and suffering that loved
10 ones feel.

11 The loss of life cannot be measured
12 in monetary terms. The dreams, aspirations,
13 and goals of those who have been killed by
14 law enforcement have been silenced. I am
15 pleased that today we have with us victims,
16 families of victims, civil rights leaders,
17 and others who will explore this issue.

18 Police abuse has widened the racial
19 divide in this country. It has gone far too
20 long and has become too much an accepted part
21 of the reality and the culture of law
22 enforcement. So, I thank my colleagues, I

1 thank all of the witnesses and those who have
2 come to share with us today, and I look
3 forward to their testimony, and I thank you,
4 again, Mr. Chairman, for your leadership on
5 this and other issues.

6 MR. CLYBURN: Thank you very much,
7 Congressman Davis. I'd like now to yield the
8 floor to Congressman Gregory Meeks of New
9 York.

10 MR. MEEKS: Thank you,
11 Mr. Chairman, and let me thank you for your
12 leadership on this issue as well leading the
13 Caucus as we are about to enter the next
14 millennium. Let me also thank my co-chair
15 and his staff, Congressman Danny Davis from
16 Illinois, for their staunch work on this
17 particular matter and helping put this
18 together.

19 Let me thank my colleagues who have
20 arrived with us today on this important
21 issue, Ms. Donna Christensen, Delegate
22 Norton, and Mr. Scott from Virginia, for

1 being here on this most important matter.

2 The purpose of our hearing today is
3 to collect information to aid us as
4 policymakers in our efforts to combat police
5 misconduct. For the record, the majority of
6 law enforcement officers are dedicated public
7 servants who risk their lives every day to
8 protect us.

9 However, for the few who violate
10 the public's trust, justice must be
11 administered swiftly and accordingly. How we
12 deal with police brutality, and particularly
13 how we sentence those who perpetuate it,
14 speak volumes about our commitment to
15 overcome some of the societal problems we
16 currently face.

17 Police brutality, a problem that
18 won't go away. From Bull Connor in the '50s
19 to the police brutality that sparked the
20 Watts riots in the '60s, to Rodney King in
21 the '90s to Amodou Diallo this year, shot 41
22 times at his own door, armed only with his

1 house keys. Police brutality is a persistent
2 and deadly problem that we must not take into
3 the next millennium.

4 Some have said that Congress
5 addressed the issue of police misconduct when
6 it passed the Violent Crime Control and Law
7 Enforcement Act of 1994, also known as the
8 Crime Bill. But, the legislation has not
9 produced the impact, any that I can see, on
10 enforcement to stop police abuse as intended
11 by Congress.

12 A criminal prosecution is the most
13 powerful social mechanism we have for
14 expressing the judgement that a wrong has
15 occurred. However, many incidents of police
16 brutality, in fact, I'll say most incidents
17 of police brutality, never see the inside of
18 any hearing room, let alone a court room.

19 As Abraham Lincoln said, "It is as
20 much the duty of government to render prompt
21 justice against itself in favor of its
22 citizens as it is to administer the same

1 between private individuals."

2 We must always remember that, above
3 all else, police brutality is an egregious
4 crime, and if we want to take police
5 brutality seriously it needs to be treated,
6 at the very least, as seriously as we treat
7 other crimes. Police who employ excessive
8 force against civilians exceed the power
9 given to them. They are employed to enforce
10 the law, not take the law into their own
11 hands.

12 Police abuse cases continue to have
13 an alarming trend. The victims' ethnicity,
14 most of the victims are black or brown. Why
15 is that? Maybe the answer is that the
16 dominant culture that has long dehumanized
17 African-Americans by racist stereotyping
18 continues to scapegoat us today.

19 A principle way the scapegoating
20 takes form is in the adoption of increasingly
21 harsh criminal justice policies peddled to
22 the public by politicians who exploit the

1 fear of crime. Today, African-American men
2 are arrested, incarcerated, and executed at a
3 rate way out of proportion to their numbers
4 in the population.

5 The police are the enforcers of
6 these aggressive policies, carrying out the
7 wishes of those in power society.

8 African-Americans and other people of color
9 are the ones who bear the brunt of the war on
10 crime. They are disproportionately harassed,
11 beaten, and killed by the police.

12 The war against crime further fuels
13 police who feel entitled to dispense street
14 justice. Afraid of street crime, much of the
15 public appears to accept police brutality as
16 a necessary tradeoff for its own safety.

17 The demonization of people of color
18 makes police violence against them
19 politically defensible. Many people do not
20 see police beatings as violence; rather, they
21 see it as legitimate protection of self and
22 community. They even tend to interpret the

1 violence as coming from the victim. After
2 innocent people have been egregiously
3 violated, those politicians who aggressively
4 implement and promote these harsh policies
5 defend their positions by seeking the support
6 of the very people these policies have made
7 victims of. Currently, that is the case in
8 New York City.

9 In the wake of the Amodou Diallo
10 shooting, Mayor Giuliani's public relations
11 team has compiled a new statistic that shows
12 that the New York City police department,
13 they say, has saved more than 2300 African-
14 American lives than the previous
15 administration, supposedly due to the mayor's
16 police strategies.

17 If we live in a hypothetical, this
18 statistic may be relevant. Many individuals
19 in minority neighborhoods throughout the city
20 of New York do not find any credibility in
21 those numbers. Furthermore, while we applaud
22 the reductions of crime, at what expense

1 should those who are violated accept these
2 aggressive strategies that systematically
3 target minority groups?

4 Police brutality imposes enormous
5 social costs. Many of this countries worst
6 riots were precipitated by a police shooting
7 or other incidents between officers and
8 civilians. Besides riots, police brutality
9 costs local governments huge settlements and
10 judgements from lawsuits.

11 The City of New York has paid more
12 than \$70 million in settlement or jury awards
13 claims alleging improper police action in the
14 first two years of the Giuliani
15 administration.

16 Between June 1996 and June 1997, a
17 one- year period, the city has settled 503
18 police misconduct cases. The New York City
19 law department reports that police
20 misconduct, assault, excessive force, false
21 arrest, shooting by the police, cost the city
22 taxpayers more than \$44 million in Mayor

1 Giuliani's first two years; a staggering
2 average of about \$2 million a month for
3 police misconduct lawsuits.

4 In addition to an increase in
5 amount paid in recent years, the number of
6 brutality claims has tripled to 2,735 between
7 June 1996 and June 1997, according to the
8 city's comptroller.

9 African-Americans and Latinos filed
10 more than 78 percent of the complaints
11 against the police, while 67 percent of the
12 officers involved were white. A poll
13 released in February 1997 found that 81
14 percent of African-Americans and 73 percent
15 of Hispanics believe police brutality is a
16 serious problem in New York City, despite the
17 mayor's claims that New York City's police
18 department is the most restrained in the
19 country.

20 Rather than protecting the
21 overwhelming number of officers that serve
22 this city well, the mayor has fostered a

1 policy that protects those few officers who
2 unmercifully violate the public's trust. As
3 a result, his relentless defense of a few
4 rogue officers, no matter what the
5 circumstances, casts a shadow over the entire
6 police force in the court of public opinion.

7 It perpetuates the police to
8 believe that they can have, without fear of
9 being prosecuted, the "blue wall of silence,"
10 where they can commit crimes basically
11 similar to gangster mentality by not telling
12 of all the officers who have committed
13 crimes.

14 In closing, law enforcement across
15 the country pledges to protect the lives and
16 property of our fellow citizens and
17 impartially enforce the law. Fight crime
18 both by preventing it and by aggressively
19 pursuing violators of the law. Maintain a
20 higher standard of integrity than is
21 generally expected of others because so much
22 is expected of them.

1 To value human life, respect the
2 dignity of each individual, and render their
3 services with courtesy and civility. Police
4 brutality undermines this oath and the
5 public's confidence. Without the public's
6 trust, effective police work is impossible.
7 Punishing police brutality appropriately will
8 send a strong message that this unlawful
9 behavior is a serious crime and will not be
10 tolerated under any circumstances.

11 In a civilized society such as
12 ours, the core characteristics of the rule of
13 law must never be violated and go unpunished
14 by those duly sworn to uphold the law.

15 Judicial and governmental
16 acquiescence to police misconduct suggests
17 that our culture's celebrated values of
18 fairness and equity are meaningless, and if
19 we do not take the necessary actions to
20 punish police brutality to the extent willed
21 by the citizens who continue to search for
22 answers, the deep social divide that

1 currently exists in many communities will not
2 diminish. As Dr. King once said, "Injustice
3 anywhere is a threat to justice everywhere."

4 I look forward to working with my
5 colleagues and this distinguished panel and
6 other interested organizations and persons
7 who seek concrete solutions to eradicate this
8 epidemic.

9 MR. CLYBURN: Thank you,
10 Congressman Meeks. I will now call on
11 Congressman Bobby Scott of Virginia.

12 MR. SCOTT: Thank you,
13 Mr. Chairman. I want to express my
14 appreciation to you and Mr. Davis and
15 Mr. Meeks for your leadership in calling
16 these hearings, and in respect to the time
17 I'll just make a couple of comments so that
18 we can get to our witnesses.

19 Police brutality is a grave issue
20 that demands the attention of our nation.
21 It's already been said here that it only
22 involves a few officers, but it's not a new

1 issue.

2 Police brutality did not begin with
3 the Rodney King case. John Conyers, the
4 ranking member of the Full House Judiciary
5 Committee has been trying for years to get
6 Congress to address this issue. He has held
7 hearings, commission studies, and proposed
8 legislation, but the call to action has gone
9 unheeded.

10 At this hearing, the public will be
11 reminded that the problem still exists, but
12 it's just as important that we focus on
13 effective solutions to the problem. Some of
14 those solutions may include police training
15 in the area of cultural sensitivity;
16 community policing, which may prevent
17 situations from occurring; credible,
18 internal, and peer review systems with
19 citizens review; a management structure that
20 holds the entire structure responsible for
21 the actions of subordinates; the use of
22 non-lethal force.

1 These may be just a few of the
2 recommendations, but I wanted to make a point
3 in a larger perspective that if we expect to
4 reduce police brutality, we've got to
5 increase the respect we have for the law and
6 for each other. But there are some things
7 going on in Congress that are making this
8 even more difficult; for example, cutbacks in
9 affirmative action make it less likely that
10 the police forces will reflect the
11 demographics of the area.

12 It's hard to develop a sense of
13 respect for the police when a significant
14 portion of the population feels that they are
15 being discriminated against when it comes to
16 opportunities for employment with the police.

17 The criminal procedure, we have the
18 so-called "Effective Death Penalty Act,"
19 which provides that if someone has evidence
20 that they are probably innocent of the
21 underlying charge, according to the effective
22 death penalty act, they won't even get a

1 hearing. If they have evidence, clear and
2 convincing evidence, they might get a
3 hearing.

4 But, it's hard to develop respect
5 for the law when you see people going to
6 death that are probably innocent. The
7 discriminatory effect of the crack powder
8 cocaine disparity, which has racial
9 implications. The casual way we review the
10 exclusionary rule now. There used to be a
11 time when police had no incentive to collect
12 evidence illegally.

13 Now, with good-faith exceptions,
14 they can stop people without probable cause
15 and have that evidence introduced and
16 therefore have an incentive to stop people
17 without probable cause. When you stop people
18 without probable cause, then you can't be
19 surprised that you have a problem of driving
20 while black, because if there's no
21 articulable probable cause for the stop, you
22 have to wonder what the stop was for to begin

1 with.

2 We had fundamental violations of
3 the President's rights during the impeachment
4 inquiry. I think most constitutional
5 scholars told us to begin with that the
6 offenses weren't impeachable offenses to
7 begin with, but we proceeded against the
8 President anyway. There was a presumption of
9 guilt.

10 He was not afforded the presumption
11 of innocent. He was not allowed during the
12 proof period to confront the witnesses with
13 cross examination, and the proof therefore
14 was presented with hearsay and innuendo. Day
15 after day those rights were violated, and if
16 we don't change the direction that we're
17 going in terms of strictly enforcing
18 constitutional rights for everyone, we're
19 going to continue to have problems like
20 driving while black and like police
21 brutality.

22 So, I look forward to the testimony

1 today so that the public can be again
2 reminded that the problem still exists and
3 look forward to the recommendations from our
4 witnesses. Thank you.

5 MR. CLYBURN: Thank you,
6 Congressman Scott. We would like to yield
7 now to Delegate Eleanor Holmes Norton of the
8 District of Columbia.

9 MS. NORTON: Thank you Chairman
10 Clyburn, and my thanks as well to the two
11 able co-chairs Chairmen Meeks and Davis, who
12 are responsible for this issue and have done
13 such groundbreaking work as we come here
14 today to hear these witnesses.

15 Yesterday was Mother's Day. As I
16 heard from my black son in his 20s, I could
17 not help but think what have we come to when
18 I have to be as grateful that I have a son
19 who can call me to wish me a happy Mother's
20 Day as he is grateful to have a mother.

21 There is some kind of role reversal
22 there. We have got to do something about it.

1 That role reversal goes all up and down the
2 ladder when it comes to black boys and men.

3 Doesn't matter if you worked hard
4 to get your son through college and he's out
5 here with a job. When he's out in the
6 street, if the cop sees black, and that's all
7 he needs to see to draw his gun, then every
8 black man and boy is in trouble, and surely
9 our country is in our trouble. We've got to
10 get it out of this trouble.

11 I am not interested in scapegoating
12 the police, because I represent a city which
13 has cried for more police, which has suffered
14 from too few police because it's just gone
15 through the worst physical crisis in a
16 century. Surely there is a way to get
17 statistics, to get headlines, like the
18 headline in this morning's Washington Post
19 without paying the price for it, innocent
20 lives.

21 This morning's Post reports, I'm
22 sure, to the great joy of District residents

1 who have seen crime go up unabated for so
2 long in this town: "D.C. hits 25 a year low
3 in serious crimes." Low in every crime.
4 Eleven percent in just one year.

5 This has been going on now for two
6 or three years and we're more grateful than
7 most Americans because our crime in the
8 nation's capitol began to go down later than
9 everybody else's crime was going down. So,
10 when we hear rapes are down 13 percent and
11 that you can go out in the street without the
12 usual fear, we are grateful.

13 We were the poster child for crime,
14 but we were the poster child for something
15 else. I want to say to everybody that the
16 nation's capitol is at least as safe a place
17 to come to as any large city. But that is in
18 part because of recent changes, where crime
19 has gone down.

20 We went through a physical crisis
21 where we had the same kind of crack cocaine
22 epidemic that sent crime up every place else,

1 and the pressure was on the police and part
2 of what this comes from is that mayors and
3 public officials put pressure on the police
4 to get the criminals but not to do the other
5 part of their job, which is protect the
6 public, and protecting the public means not
7 just getting the criminals, but making sure
8 that you don't get the wrong person on the
9 street or pull you gun when that is not
10 necessary.

11 In this city, the pressure was not
12 on the police. As it turns out, it was on
13 the residents because we were. In the 1990s,
14 the nation's capitol, a place where 25
15 million people, visitors from all over the
16 world, tourists from every jurisdiction come,
17 we were No. 1 in fatal shootings by the
18 police. Now, people knew that there might be
19 crime in the District, but I wonder if you
20 came from Podunk whether you knew that
21 perhaps the crime would be committed by a
22 police officer.

1 When the tragedy in New York
2 involving the Diallo killing came up, I was
3 inclined to think that that kind of brutality
4 is really what the District has had all
5 along. It's not beatings. In the District,
6 the cops didn't beat people; they simply
7 killed them, the ultimate form of police
8 brutality.

9 We had more than double the rate of
10 the discharge of weapons of New York, Los
11 Angeles, Miami. Some cities, of course, are
12 not included here. I'd like to put one issue
13 to rest because I want to put the whole thing
14 on the table.

15 Sixty-five percent of the residents
16 of the District of Columbia are black, but 70
17 percent of the police are black and 5 percent
18 of the police are Hispanic, so this member of
19 Congress wants everybody to know that I don't
20 care what color you are, if you are
21 discharging your weapon or pulling your
22 weapon, you are terrible as far as I'm

1 concerned.

2 I think that the community means
3 that. I recognize that in many other
4 jurisdictions, particularly in New York,
5 where I spent some of the best years of my
6 life, still to this very day, despite your
7 majority/minority population, you do not have
8 a majority police department.

9 That just makes it all the worse,
10 because it draws into the picture the ancient
11 terrible, continuing racial content of this
12 matter.

13 I believe we have an obligation to
14 ask why. In my city I have asked why, and I
15 think we found at least part of the reason
16 why. Our cops got the Glock 9 millimeter gun
17 and only three months later 1500 police
18 officers were hired very hurriedly without
19 proper screening and without proper training.
20 So, I do not sit here simply trying to
21 scapegoat officers who were neither screened
22 nor trained correctly by those in charge of

1 the department at the time.

2 In 1996, 75 percent of District
3 officers who used their weapons failed to
4 meet firearm standards, but they hadn't had
5 the training and they hadn't been taken to
6 the range. So, what did we expect, and who
7 is to blame?

8 Well, as far as I'm concerned, a
9 cop that beats someone, who discharges his
10 weapon, or kills somebody is to blame, but I
11 don't stop the blame there any more than in a
12 war. I stop the blame with the soldier. I
13 look for who is the commander, who is in
14 charge here, who is the general. The
15 generals have not been doing their job.

16 We also, I hasten to add, had among
17 the highest rate of police killings, and when
18 these police killings occurred, one or two of
19 them virtually assassinations, there was an
20 extraordinary outpouring of grief in this
21 city who regarded these officers, as they
22 should be, as fallen soldiers in the line of

1 duty.

2 Yet, all over the country the talk
3 is of community policing. Well, that is a
4 contradiction in terms as long as this police
5 brutality remains unabated. If there was
6 true community policing, then of course a
7 policeman could not pull his gun out of order
8 and out of line.

9 There are solutions. You've heard
10 some of them from Mr. Scott, who serves on
11 the Judiciary Committee so ably. I do want
12 to indicate the importance of an independent
13 police board because during our police
14 crisis, the independent police board was one
15 of the things that went down with the crisis,
16 and I think that is part of the reason that
17 we are paying this price.

18 Finally, I want to give an example
19 from the District of Columbia to every
20 jurisdiction. We got a new police chief.
21 His name is Charles Ramsey. He comes from
22 Chicago.

1 The Washington Post did an
2 extraordinary series of articles, which
3 articles have now won the Pulitzer Prize,
4 thank you, showing that the District of
5 Columbia police discharge their weapons more
6 than any police in the country.

7 Our police chief and our mayor did
8 not do what Mayor Giuliani did. So, you
9 know, "These are fine cops. We've got to do
10 the best we can," until you all got some on
11 his case that he had to do what he should
12 have done in the first place.

13 The police chief hadn't been here a
14 long time; he hadn't had the opportunity to
15 do what he should have done. He had been
16 here, of course, for about a year, but he
17 himself then wrote to the Civil Rights
18 Division of the Department of Justice, and he
19 called in an independent police review on
20 himself when the District of Columbia had
21 none.

22 He asked the Civil Rights Division

1 of the Justice Department to do what you do
2 when you invoke your law enforcement
3 jurisdiction to do here at my request. As I
4 speak, the Civil Rights Division of the
5 Justice Department is doing precisely that
6 kind of investigation here now.

7 Moreover, he didn't stop there. He
8 said because we need to know what needs to be
9 done, he wanted them to look at ten years of
10 the use of deadly force by the Metropolitan
11 Police Department. There will be no
12 confidence in the police departments of this
13 country. There will be no confidence that
14 the average cop on the beat deserves until
15 there is an independent review, and no police
16 department which is doing its job has
17 anything to fear from independent review.

18 Thank you very much, Mr. Chairman.

19 MR. CLYBURN: Thank you very much,
20 Delegate Norton. We would like at this time
21 to yield to Delegate Donna Christensen of the
22 Virgin Islands for an opening statement.

1 MS. CHRISTENSEN: Thank you,
2 Mr. Chairman, and good morning and welcome to
3 everyone, especially our distinguished panel
4 that's up in the front.

5 There are many places that you
6 could be right now, but the fact that you've
7 answered our invitation to come to this
8 hearing and give testimony is testimony in
9 itself to the high priority you place on
10 eliminating police brutality and the
11 recognition of the importance of this issue
12 to the communities and the people that we
13 serve, not that any of us, regardless of
14 station, position, or fame, is free or immune
15 from police harassment or even brutality as
16 has been pointed out by many people in the
17 media recently.

18 While we're happy that all of our
19 guests are here and the CBC could be the
20 vehicle for this hearing, and for the change
21 that must come, it is a sad commentary on
22 this nation that we have to be here at all

1 discussing an issue like this as we approach
2 the next century.

3 What we have known from our own
4 experiences and those of our family and
5 friends has been substantiated and supported
6 by commissions, task forces, special
7 committees for years. We have participated
8 in similar hearings before.

9 I, myself, went to Brooklyn, New
10 York, last year for a police brutality
11 hearing. So while we want to give an
12 opportunity to those who have been personally
13 victimized, to bring their experience to
14 this, their house, your house, and to further
15 pique the conscience of this country and its
16 leadership, today we are here to really do
17 more, to move this issue from discussion to
18 action.

19 The problem of police misconduct is
20 a pervasive one. The cases that make the
21 headlines are only the tip of the iceberg.
22 Every day, in many different ways, law

1 enforcement officers abuse the power of their
2 offices, most often and disproportionately
3 against people of color.

4 One of our panelists here this
5 morning, Mr. Hugh Price, President of the
6 National Urban League, has accurately pointed
7 out that these are not isolated incidents,
8 but speak to, "patterns of police abuse that
9 destroy the credibility of our criminal
10 justice system."

11 So today I ask that we not hear
12 what many top officials in the Justice
13 Department have said, that perhaps in some
14 cases the officers may have had a good reason
15 to make a stop. That is not what we're here
16 to talk about this morning.

17 I note, though, on the other hand
18 that the Attorney General in the same
19 statement in which he said something to that
20 effect did enumerate several steps that are
21 to form the foundation of the Department's
22 efforts with regard to police misconduct.

1 They are: (1) to expand and
2 promote police community partnerships an
3 dialogue; (2) to insist on police
4 accountability, beginning with a clear
5 message that misconduct will not be
6 tolerated, and also with the establishment of
7 independent reviews of performance; (3)
8 recruitment of officers who reflect the
9 communities they serve; (4) an increase in
10 civil rights enforcement; and (5) collect
11 data in order to better define the scope of
12 the problem and to measure the efforts to
13 solve it.

14 I feel that it is important that we
15 hear from you on some of these efforts that
16 are proposed, and also that the scope of this
17 hearing be broad because while the face of
18 misconduct is often a policeman or a
19 policewoman, the behavior goes beyond our
20 precincts to the offices of our prosecutors,
21 beyond that to City Halls, to state houses,
22 and even to this Congress.

1 They are all part of the network
2 which can create what one of our other
3 community leaders, the Honorable Kweisi
4 Mfume, has called the "toxic, inflammable
5 environment," which allows and encourages
6 this activity to take place.

7 As I close my opening statement, I
8 again want to welcome those who are here to
9 give testimony and those who are here to
10 support and record what we will hear this
11 morning. But as I said earlier, the Caucus
12 has not brought us here for just another
13 opportunity for discourse.

14 From our government officials, we
15 want to know what you are doing today about
16 the abuse that our law enforcement officials
17 are inflicting on our communities and our
18 constituents and what measures you will yet
19 implement. To our leaders, advocates, and
20 victims, we know that you will paint a clear
21 and poignant picture and put an unforgettable
22 face on the issue of police brutality. We

1 also anticipate your specific and insightful
2 recommendations on where we must go from
3 here.

4 I want to join my other colleagues
5 in thanking and applauding our chairman,
6 Congressman Clyburn, and our colleagues,
7 Congressmen Davis and Meeks, for your
8 leadership on this and so many other issues.
9 Thank you.

10 MR. CLYBURN: Thank you very much,
11 Delegate Christensen, and thanks to all of
12 you for your opening statements today.

13 We now are going to go to our first
14 panel, and I would like to call to the table,
15 now, the President of the National Urban
16 League, Mr. Hugh Price; and next, Mr. Raul
17 Yzaguirre, you all are going to have to
18 forgive some of my southernness here today,
19 but we're going to get there; Mr. Hilary
20 Shelton of the NAACP; Mr. Kenneth Roth of the
21 Human Rights Watch; Ms. Laura Murphy of the
22 ACLU; Ron Daniels of the Center of

1 Constitutional Rights, and Ms. Nwangaza from
2 Amnesty International.

3 Thanks to all of you for being here
4 today, and I am going to ask you to bear with
5 us. We try to get these statements so that
6 it will allow time for questions to be asked
7 by those of us here, so we're going to use
8 the timer here today, and I think you all
9 have been in touch with the staff about how
10 this is to work.

11 We'll turn this on, and we'll push
12 this little button, and so long as it's green
13 you can talk, but when it turns red, please
14 start to wind down. So, we are going to
15 start from my right. That doesn't have
16 anything to do with politics here today,
17 hear. Mr. Hugh Price of the National Urban
18 League.

19 MR. PRICE: Thank you,
20 Mr. Chairman. Let me begin by saluting the
21 Congressional Black Caucus for its determined
22 leadership on this issue to make certain that

1 the federal government's feet are held to the
2 fire and that this nation pays great
3 attention to this issue.

4 I'm the President of the National
5 Urban League, and we are a national movement
6 of 114 affiliates, and our affiliates are in
7 the thick of this issue from New York City
8 and Pittsburgh to Riverside and Los Angeles.
9 As was noted by the members of the CBC, there
10 is growing anger and anguish over the
11 epidemic of police brutality and abuse
12 against people of color in this country.

13 It's a problem that knows no
14 ethnic, socio-economic, or geographic
15 boundaries. It was interesting to me when I
16 participated in the march that was organized
17 by Rev. Al Sharpton across the Brooklyn
18 Bridge, I asked an African-American corporate
19 executive who probably makes several million
20 dollars a year why he was there, and
21 Ms. Norton, he said, "I have four sons," and
22 I said, "Enough said."

1 People of color refuse to be
2 treated as second class citizens by the
3 criminal justice system. Law enforcement
4 agencies at every level of government must
5 protect all citizens from crime without
6 undercutting the civil liberties of any
7 citizen.

8 On February 25th, a broad
9 multi-ethnic coalition of Congressional civil
10 rights, civil liberties, and community groups
11 called upon President Clinton to exert
12 aggressive leadership in this area, and we
13 are gratified that the federal government and
14 the Administration have intensified their
15 efforts.

16 In our view, there are two basic
17 problems. The first is the excessive use of
18 force that results all too frequently in
19 brutality and fatalities at the hands of
20 police. The second problem, which gets less
21 attention, is the dragnet technique set and
22 snare minorities who've done little or

1 nothing wrong.

2 We speak of tactics such as racial
3 profiling, excessive stopping and frisking,
4 traffic safety sweeps, and other trivial
5 offenses that are used as a rouse to troll
6 for more serious offenses. In New York City,
7 some 45,000 people have been stopped by the
8 street crimes unit in the last two years,
9 three-quarters of whom had done nothing
10 wrong.

11 We believe that there must be
12 aggressive enforcement to focus on these
13 issues, that the federal government, in
14 particular, the Justice Department, needs
15 much more than the \$1 million proposed by the
16 President to ensure that the Department has
17 the capacity to cope with the nature and
18 national scope of the problem.

19 They need to be able to respond so
20 swiftly and resolutely that the prospect of
21 federal investigation itself is an affective
22 deterrent to such behavior by law enforcement

1 officers. We believe the Justice Department
2 should intensify and expedite its
3 investigations into police department
4 patterns and practices in communities that
5 experience high incidences of brutality.

6 We also feel that there must be
7 sanctions and that the President should issue
8 an Executive Order that federal law
9 enforcement subsidies will be withheld from
10 police departments that have an unusually
11 high number of brutality complaints or
12 significant number of unresolved or pending
13 complaints of brutality or excessive force,
14 and that these sanctions should be imposed in
15 a graduated fashion commensurate with the
16 level of offense or practices and with local
17 willingness to address the problem.

18 We also believe that the federal
19 government should require that all state and
20 local departments receiving federal law
21 enforcement subsidies establish the kinds of
22 civilian complaint review boards that

1 Ms. Norton spoke to, and boards that possess
2 investigative and subpoena power. That
3 should be a condition of receiving federal
4 support.

5 We must also address the issue of
6 reforming police practice, and we believe
7 that the attention to questions of police
8 training, education, and supervision are
9 critically important. But, this is an issue
10 that goes beyond civility; it goes to the
11 very civil liberties enjoyed by citizens of
12 color. Therefore, we feel there's an urgent
13 need to address police practice as well as
14 police behavior.

15 We believe that there should be a
16 summit held at the White House on this very
17 issue. We of the Urban League have called
18 for a summit on police misconduct for the
19 last three years. It is not lost on us,
20 Mr. Chairman, today that barely three weeks
21 after the Littleton massacre there is a
22 summit on the issue of youth violence. We

1 have been waiting for three years for a
2 summit on this issue.

3 Our hearts go out to the young
4 people who lost their lives and to the
5 parents all across the country, whether it's
6 West Paducah or Littleton, and the country
7 must deal with the issue of youth violence,
8 but it must also deal with this issue as
9 well. We feel such a summit is necessary to
10 secure commitments from a cross section of
11 thoughtful leaders from public life, police
12 chiefs, mayors, community leaders, victims,
13 et cetera, to work together to devise
14 concrete solutions.

15 We also must develop a process to
16 propose best practice guidelines that deal
17 with those two basic areas that we have
18 spoken to. The unjustified use of force by
19 law enforcement officers, there needs to be
20 exhaustive examination of the circumstances
21 under which that happens and the best
22 practices that are used by police departments

1 where there are far fewer of those kinds of
2 incidences.

3 Secondly, there must be great
4 attention to this issue of dragnet practices.
5 It is wrong that in New York City and the
6 Bronx 10 percent of the young people
7 attending Rice High School have been stopped
8 and frisked by the police. That is wrong,
9 and it must be addressed.

10 Minorities complain that when they
11 are stopped on the highways for minor traffic
12 offenses, that is used as a rouse for a
13 further investigation. There needs to be
14 guidelines about when and under what
15 circumstances officers can use an initial
16 minor infraction as an excuse for a broader
17 search.

18 Secondly, as we indicated, the law
19 seems to have changed where once upon a time
20 when I was in law school people who were
21 suspects in specific offenses who fit
22 descriptions or who were caught by the police

1 who were in hot pursuit were allowed to be
2 detained by the police. But now all you need
3 to be is suspicious looking, to fit some very
4 general profile, a young person in a certain
5 part of town. We need specific guidelines to
6 determine under what circumstances people can
7 be stopped and detained and frisked by the
8 police.

9 Those kinds of practices need to be
10 examined in communities where there is both a
11 protection of public safety but also respect
12 for civil liberties, and there are
13 communities that have achieved that kind of
14 balance. Once these best practice guidelines
15 are prepared, they should be put together in
16 a coherent set of reports and used as the
17 basis for aggressive monitoring and
18 enforcement by the Justice Department.

19 We believe the Justice Department
20 should publish an annual report city by city
21 on patterns of police misconduct, and this
22 report card would shine the national

1 spotlight on specific departments that have
2 poor records of brutality and abuse.

3 Secondly, we call upon the
4 President to issue an Executive Order
5 requiring that police departments that
6 receive federal law enforcement subsidies
7 endorse and implement the best practice
8 guidelines or risk loss of federal funding.

9 In closing, let me say that the
10 widespread and indiscriminate treatment of
11 innocent civilians like suspects foments
12 alienation along racial lines, perpetuates
13 the treatment of minorities as second-class
14 citizens under the law, and makes an utter
15 mockery of the President's dream that we
16 should become one America.

17 We urge the federal government to
18 spare no effort and no expense in
19 spearheading an aggressive drive to purge the
20 nation's criminal justice system of bias,
21 brutality, and abuse.

22 Thank you, Mr. Chairman.

1 MR. CLYBURN: Thank you very much,
2 President Price. We want to join the rest of
3 the nation in thanking you for the
4 exceptional leadership you've given to this
5 whole subject matter here. Those of us in
6 the Caucus are very proud of the way you
7 stepped up on this at the very beginning.

8 MR. PRICE: Thank you.

9 MR. CLYBURN: Thank you for being
10 here today. Now, we understand that the DWB
11 may mean driving while black, but it could
12 also mean driving while brown. So I want to
13 call on Raul Yzaguirre of the National
14 Council of La Raza for his opening statement.

15 MR. YZAGUIRRE: Thank you very
16 much, Mr. Chairman. I join my colleagues and
17 associates in congratulating you and the
18 members of the Caucus for taking the
19 leadership on this very important issue.
20 Mr. Chairman, I have a lengthy prepared
21 statement that I'd like to introduce for the
22 record, and with your permission I'd like to

1 simply summarize my concerns.

2 Let me begin by saying this issue
3 is an enormously important issue for our
4 community. It has the same kinds of feelings
5 and attributes along the lines that you've
6 been talking about, but it has one additional
7 complication and nuance in terms of those who
8 passed laws as the Congress of the United
9 States has done that allows cooperation, far
10 more legal cooperation between that force and
11 local police officers. You had the basis for
12 a lot of abuse of authority. We also join
13 you in your remarks by acknowledge the great
14 majority of honest officers, the majority of
15 officers in the federal services, the
16 majority of INS agents, the majority of
17 police officers do their jobs well and are
18 true heroes.

19 But those who do not obey the law
20 put a black mark on their colleagues and in
21 fact undermine the confidence that we have in
22 all our police officers.

1 Mr. Chairman, let me try to put a
2 personal face on what we're talking about by
3 citing some of the cases that we've
4 experienced in our community. On
5 April 17, 1998, in Passaic, New Jersey, INS
6 agents, in conjunction with a Passaic County
7 Sheriff's officer and state police, conducted
8 a raid at three outdoor recreation areas
9 frequented by Latino youth.

10 Children were forced to get on
11 their knees and put their hands on their
12 hands on their heads during questioning.
13 Hugo Alvarez, age 14, was head-butted by a
14 police officer in Pulaski Park. His crime?
15 He could not remember his social security
16 number.

17 On July the 12, 1998, in Houston,
18 Texas, Pedro Oregon Navarro, a 22-year-old
19 Hispanic and a father of two, was shot to
20 death by six Houston police officers when
21 they burst into Mr. Oregon's bedroom while
22 chasing an informant's tip about drugs that

1 were allegedly being sold in his apartment.
2 Out of the 21 bullets fired by Houston police
3 officers, Mr. Oregon had nine gunshot wounds
4 in the back. Two entered his head from above
5 and another, the 12th round, hit his body and
6 went through his left hand.

7 In April 1996 in Riverside County,
8 California, two Riverside County sheriff's
9 deputies pulled two unarmed Mexicans,
10 suspected of being undocumented immigrants,
11 out of a car and proceeded to prod and
12 brutally beat them with their batons, also
13 slamming them against the car. Both victims
14 required hospitalization for severe injuries
15 A TV news camera and crew captured the
16 gruesome beatings on videotape, prompting a
17 nationwide outcry.

18 During the period of 1991
19 through 1996 in southern California,
20 according to the Mexican-American Bar
21 Association, 24 Hispanics have been shot and
22 killed in the southern California area by

1 police officers and white vigilantes. In six
2 of these cases, the victims were shot in the
3 back, and in 14 of them the victims were
4 completely unarmed. Local authorities had
5 failed to prosecute in any of these cases.

6 On December the 22, 1994, in New
7 York City, Antonio Baez, age 14, of Puerto
8 Rican origin, died of injuries sustained
9 during his arrest by officers from the 46th
10 Precinct in the Bronx. He had been visiting
11 his family from Florida and was kicking a
12 football around with his brothers outside the
13 family home, when the ball accidentally hit
14 two parked police cars.

15 According to family members who
16 witnessed the incident, one officer lost his
17 temper and arrested Anthony Baez's brother,
18 placing him in handcuffs. When Anthony
19 questioned the officer's arrest and treatment
20 of his younger brother, the officer
21 reportedly grabbed him, placed him in a choke
22 hold.

1 He and other officers present
2 allegedly knelt on Anthony's back while
3 handcuffing him behind his back as he lay
4 face down on the ground. Anthony's father
5 and family members reportedly warned the
6 officers to be careful, as he suffered from
7 chronic asthma.

8 According to the civil action
9 followed by the family in the case, Anthony
10 was left face down on the ground in a prone
11 position for about ten to fifteen minutes
12 before being dragged into a police car with
13 no attempt to resuscitate him. He was taken
14 face down in a police car to a hospital,
15 where he was pronounced dead approximately
16 one hour later.

17 The medical examiner concluded that
18 Anthony's death was caused by asphyxia due to
19 compression of the neck and chest and "as
20 well as asthma" and classified the death as a
21 homicide. The officer who had allegedly
22 applied the choke hold on Anthony had

1 fourteen prior complaints of brutality filed
2 against him, eight for excessive force and
3 four for using a choke hold.

4 In Ohio, in Cleveland, in 1998, a
5 Puerto Rican family was terrorized and
6 viciously beaten by Cleveland police in their
7 own home when police rushed into their house
8 to arrest a man accused of a traffic
9 violation. A 53-year-old man was knocked out
10 and had one of his ribs broken.

11 A 25-year-old pregnant woman was
12 pushed against a wall and taken to the
13 hospital for treatment. One of the children
14 caught the incident on tape. The case is
15 still under investigation.

16 In Utah, Salt Lake City, in 1997 on
17 April 25th, a group of 75 heavily armed
18 officers and federal agents burst through the
19 metal door of Raphael Gomez's Tortilla
20 Factory and Mexican Food Store wearing
21 scarves over their faces with bullet-proof
22 vests and banishing rifles and pistols. The

1 law enforcement agents ordered some 80
2 employees down on their floor.

3 Gomez, who was standing near the
4 door when the police arrived, was struck in
5 the face with what appears to have been the
6 butt of a rifle. As he fell to the ground he
7 struck his head against the concrete floor
8 and was later handcuffed by police. When he
9 tried to lift himself to see what was
10 happening, he was kicked in the back of the
11 head and was ordered to stay down.

12 Gomez says police later pointed a
13 rifle at the head of his 6-year-old son; his
14 secretary was dragged by her hair across the
15 floor. According to the police, they had
16 been tipped off by an anonymous source that
17 the Tortilla Factory was being used as a
18 distribution center for drugs and weapons.
19 However, the raid was a complete failure. No
20 drugs, no weapons, nothing of any nature
21 suggesting illegality was found at the scene.

22 Mr. Chairman, my time is about up.

1 Let me just call your attention to the
2 recommendations for improvements, for
3 solutions that we have in our testimony, and
4 again I thank you for the opportunity to
5 present my views. I look forward to your
6 questioning.

7 MR. CLYBURN: Thank you so much for
8 being here. Mr. Hillary Shelton of the
9 NAACP.

10 MR. SHELTON: Thank you,
11 Mr. Chairman. Good morning, Chairman Clyburn
12 and distinguished members of the
13 Congressional Black Caucus.

14 Thank you for inviting the NAACP to
15 today's hearing, and thank you for your
16 leadership in this area. Although police
17 brutality affects every sector of the United
18 States and indeed perils our national fiber,
19 it continues to be the Congressional Black
20 Caucus that addresses this issue and looks
21 for some reasonable effective solution to
22 what confronts us.

1 As many of you are aware, the NAACP
2 is the nation's oldest and largest grassroots
3 organization. Founded in 1909, the NAACP
4 today currently serves over 600,000 card-
5 carrying members through our 1700 branches
6 and over 400 youth and college units
7 throughout the continental United States.

8 The principal objectives of the
9 NAACP are issued in our commitment to
10 political, educational, social, and economic
11 equality of ethnic minority citizens through
12 the democratic process; to achieve equality
13 of rights and eliminate racial prejudice and
14 discrimination among the citizens of the
15 United States; to seek enactment and
16 enforcement of federal, state, and local laws
17 securing civil rights; to inform the public
18 of the adverse effects of racial
19 discrimination and to seek its elimination.

20 In this context, it is only natural
21 that the NAACP has, since its inception, been
22 instrumental in the investigating of

1 complaints of police brutality and working to
2 develop the means of ending this insidious
3 problem.

4 Before I get into too much detail
5 about the NAACP, of what we have done, and
6 what we would like to see happen in the near
7 future, I would like to make one thing clear.
8 Police misconduct has been a longstanding
9 problem in this nation, as old, indeed, as
10 the nation itself. Although several specific
11 very high-profile instances of police abuse
12 have recently been brought to the public's
13 attention, this is by no means a new problem.

14 Even throughout the last three
15 years, as our president and CEO, Mr. Kweisi
16 Mfume, has led the NAACP in demonstrations in
17 front of the U.S. Department of Justice, in
18 front of the Capitol, and on the streets of
19 Pittsburgh and New York to end this scourge
20 that appears to be more frequent every day.

21 Regardless of where you go in this
22 nation, if you engage a group of people of

1 color in a discussion about police
2 misconduct, you will invariably find someone
3 who has a compelling, very real and very
4 personal story to tell. Some of these
5 accounts may seem more serious or menacing
6 than others.

7 However, as an African-American
8 person who loves this country, I can tell you
9 that any misconduct by a police officer based
10 purely on the person's race, age, gender,
11 sexual preference, religion, or ethnic
12 heritage poses a serious threat to the very
13 philosophical tenet upon which this nation
14 was founded: That every American shall have
15 the inalienable right to pursue life,
16 liberty, and happiness; in the vision and
17 words of the Founding Fathers, to also be
18 "free of the tyranny of the State."

19 With the highly publicized beating
20 of Rodney King as a catalyst, the NAACP
21 announced at its 1991 Annual Convention that
22 it will conduct a series of national hearings

1 on police conduct. As defined by the NAACP,
2 the purpose of the hearings was to provide a
3 public platform for citizens, public
4 officials, community leaders, law enforcement
5 personnel, and experts to detail why they
6 believe there continues to be an existing
7 wall of mistrust between the African-American
8 community and law enforcement departments.

9 The study also sought to examine
10 positive steps that have been taken and what
11 can be done in the future to address this
12 dangerous situation. We also made it quite
13 clear at the beginning of each of the
14 hearings throughout the country that the
15 NAACP was not engaging in any form of police
16 bashing but it had come in search of
17 information.

18 The resulting study was released
19 in 1993, and the vast majority of the
20 findings are, unfortunately, still hauntingly
21 true today. I say "unfortunately," because
22 little has changed over the last six years.

1 For your information, I am including copies
2 of the executive summary of the 1993 NAACP
3 report along with my testimony.

4 What I would like to do here is
5 summarize the findings of the report as they
6 relate to the problems at hand and in
7 addition focus on what the NAACP sees as
8 solutions that must be implemented if the
9 society is going to move past mistrust and
10 disrespect and move towards our full
11 potential as a nation.

12 The first goal of the study was to
13 define the problem. What the NAACP found was
14 that a wall of mistrust exists between ethnic
15 minority groups and the police and that the
16 relationship continues to erode. Respect for
17 law and order is the cornerstone of a free
18 society.

19 The rule of law is predicated upon
20 the consent of the people who believe the
21 laws are administered fairly and justly, thus
22 commanding respect and confidence from the

1 people they serve. In short, the respect
2 must be earned again and again with every new
3 day.

4 Next, the NAACP tried to examine
5 the origins of this breakdown of respect and
6 cooperation. What we found was that racism,
7 the combination of racial prejudice plus
8 power and intolerance for different cultures,
9 is a critical component of police misconduct.
10 There is a growing feeling in the
11 African-American community that the police
12 regard all community members as either
13 criminals or potential criminals.

14 Let me hop ahead to our other
15 recommendations.

16 The issue of "racial profiling" is
17 finally beginning to gain some attention
18 through the media as of late. It, however,
19 is a problem as far back as our collective
20 African-American memories can recollect.

21 No matter what your age is, whether
22 you're 17 or 97, no matter what region of the

1 country you live in, we find instances and
2 concerns of racial profiling. As a matter of
3 fact, we just completed the last of our seven
4 regional conferences throughout the United
5 States, and in each of those regional
6 conferences we heard again and again of
7 issues and concerns that began with racial
8 profiling and many times ended with violence
9 and death.

10 In recent meetings with the U.S.
11 Attorney General Janet Reno, our president
12 and CEO Kweisi Mfume outlined three major
13 directives that the NAACP feels must be
14 implemented immediately to curtail the
15 current crisis.

16 First, President Mfume called on
17 the President and the Attorney General to
18 quickly develop a process, if necessary,
19 through Executive Order, whereby federal law
20 enforcement dollars can be withheld from
21 police departments that have an unusually
22 high number of brutality complaints or a

1 significant number of unresolved or pending
2 complaints of brutality or excessive force.

3 Secondly, the congressional leaders
4 of both parties must immediately follow
5 through and fund provisions of the Crime
6 Control Act of 1994 that provides funding to
7 allow for the accurate collection of
8 comprehensive national data on the use of
9 excessive force by police. This would also
10 include data on the number of people killed
11 or injured by police shootings and other
12 types of force. Although the provision has
13 been mandated, it has yet to be funded.

14 Lastly, in his conversations with
15 the President and the Attorney General,
16 President Mfume discussed the need to
17 establish a uniform set of procedures and
18 processes for the establishment of nationwide
19 and city and county-wide police civilian
20 reviews boards that have both subpoena power
21 and investigatory power.

22 We've outlined another series of

1 concerns, or components, that police
2 accountability review boards must meet in
3 order to be successful. We've included that
4 in my longer testimony, and it will be
5 available to you. I'll look forward to the
6 opportunity to answer any questions and
7 engage in this conversation. Thank you.

8 MR. CLYBURN: Thank you so much,
9 Mr. Shelton. We will not yield to
10 Mr. Kenneth Roth of Human Rights Watch.

11 MR. ROTH: Than you very much,
12 Mr. Chairman. My name is Kenneth Roth. I'm
13 Executive Director of Human Rights Watch.
14 Human Rights Watch is the largest U.S.-based
15 international human rights organization.

16 In 70 countries around the world,
17 including the United States, we conduct
18 detailed field-based investigations, publish
19 comprehensive reports about our findings, and
20 mobilize public pressure to end the abuses
21 that we find and institute needed reforms.

22 Police brutality in the United

1 States is one of the most serious, enduring,
2 and divisive human rights violations that we
3 face. Unjustified shootings, severe
4 beatings, fatal chokings, and unnecessarily
5 rough treatment occur in cities and towns
6 throughout this country.

7 Last July, Human Rights Watch
8 published this report, "Shielded from
9 Justice: Police Brutality and Accountability
10 in the United States." This 400-page report
11 describes accountability systems in fourteen
12 cities across the United States. I offer a
13 copy of it so that all or any portion of it
14 you might desire might be included in the
15 record.

16 MR. CLYBURN: Thank you very much.
17 We'll do that.

18 MR. ROTH: What we found is that
19 civilian review agencies are underfunded,
20 under attack, and under-utilized. Police
21 department leaders permit sloppy and
22 incomplete investigations often shrouded in

1 secrecy. Civil lawsuits filed against police
2 officers cost some cities millions of dollars
3 each year but typically don't cost police
4 departments a penny.

5 Local and federal prosecutors
6 routinely fail to prosecute serious abuse.
7 For these reasons, brutal police officers
8 correctly believe that they can get away with
9 just about anything. Impunity breeds more
10 police abuse.

11 Race continues to play a central
12 role in police brutality in the United
13 States. In the cities we've examined where
14 such data are available, minorities have
15 alleged human rights violations by the police
16 far more frequently than white residents and
17 far out of proportion to their population in
18 those cities.

19 On April 15th Attorney General
20 Janet Reno made her first major speech on the
21 topic of police abuse. The speech was long
22 overdue, but we are pleased that the Justice

1 Department may now be giving this issue the
2 attention that it warrants. In an important
3 statement, Ms. Reno reminded us that
4 effective policing does not mean abusive
5 policing. She also announced plans to
6 improve accountability and repair police
7 community relations.

8 Unfortunately, the changes she
9 suggests are only suggestions. Missing from
10 her address was any requirement that police
11 departments incorporate basic oversight
12 systems that would improve accountability.

13 She appropriately recommended that
14 complainants be allowed to file complaints
15 without intimidation, that police and sheriff
16 departments institute a vigorous system for
17 investigating allegations thoroughly and
18 fairly; that swift discipline be imposed when
19 complaints are sustained; that early warning
20 systems to identify repeat police offenders
21 be created and used; that superior officers
22 signal that abuses will not be tolerated; and

1 that the rank and file reject the code of
2 silence about other officers' misconduct.

3 She called for improved screening
4 and training and for enhanced independent
5 investigative bodies. These are all among
6 the recommendations made in Human Rights
7 Watch's recent report and we fully support
8 them.

9 But urging police departments to do
10 the right thing is not enough. The Justice
11 Department should condition the billions of
12 dollars of federal police grants given each
13 year on concrete progress by police and
14 sheriff departments in making these
15 improvements.

16 The federal government routinely
17 makes such conditional grants in other areas.
18 Why not to combat police abuse? The federal
19 government simply should not be supporting
20 law enforcement agencies that fail to hold
21 officers accountable for brutality and
22 misconduct.

1 The Justice Department has required
2 the improvements outlined by the Attorney
3 General in two consent decrees with police
4 departments in Pittsburgh, Pennsylvania and
5 Steubenville, Ohio.

6 The Justice Department is also
7 investigating police practices in other
8 cities lacking proper oversight mechanisms.
9 We see no reason why all law enforcement
10 agencies should not be required to implement
11 these reforms to improve accountability and
12 reduce unchecked police abuse rather than
13 waiting until brutality incidents become too
14 numerous or heinous to ignore.

15 These investigations and consent
16 decrees are also important because they set
17 out the Justice Department's idea of best
18 practices. But there are too few of these
19 investigations. The Department loses
20 credibility if it repeatedly threatens to sue
21 non-compliant police departments but does
22 nothing to follow through.

1 In larger cities, Justice
2 Department investigators can easily be
3 outmatched by complex police bureaucracies
4 that are difficult to master and whose staff
5 is not always forthcoming with information.
6 Lawmakers should ensure that funding and
7 staffing are provided so that the Civil
8 Rights Division can continue and expand these
9 investigations.

10 Similarly, in 1994, as has been
11 mentioned, Congress instructed the Justice
12 Department to collect statistics and produce
13 annual reports on the use of excess force by
14 law enforcement officers. It is now five
15 years later and no such report has been
16 published.

17 There have been two pilot studies,
18 both flawed in concept. One requested that
19 law enforcement of agencies voluntarily
20 provide information on the use of force. Not
21 surprisingly, cooperation was low, with only
22 a tiny percentage of departments reporting

1 anything at all.

2 The other pilot project involved
3 the household survey. But it merely showed
4 that most people do not have complaints about
5 police abuse. Police monitors do not dispute
6 that unsurprising conclusion, but it says
7 nothing about the problem of police abuse
8 that does exist. Unfortunately, the Attorney
9 General announced just this month that the
10 same misguided strategy, using household
11 surveys, would be pursued in collecting new
12 data. This is a thinly disguised exercise in
13 irrelevancy.

14 Congress should insist that the
15 Attorney General comply with the original
16 congressional order to compile meaningful
17 statistics on police abuse. Without the
18 information requested by Congress and more,
19 it is extremely difficult for governments and
20 police departments to craft enlightened
21 policies that balance the importance of
22 public order with the absolute requirement

1 that the state protect anyone from human
2 rights abuses at the hands of police
3 officers.

4 We believe that the Justice
5 Department or lawmakers should require that
6 internal affairs units, city attorneys'
7 offices, and civilian review agencies provide
8 the information needed to compile this
9 overdue report.

10 These offices should provide
11 statistics on complaints received, outcomes
12 of investigations, and any actions taken
13 against officers found responsible. Racial
14 data should be included. Collecting these
15 data is not an easy task, but so far the
16 Justice Department has not even really tried.

17 While having systems in place to
18 deter abuses and hold brutal officers
19 responsible is important, accountability also
20 often boils down to political will and
21 leadership. Federal officials need to show
22 their support for addressing police abuse by

1 fully using the laws and tools at their
2 disposal and by speaking out against abuses.

3 State and city officials must do
4 the same, even when it is not politically
5 expedient. Police leaders must consistently
6 remind officers through words and actions
7 that abuse will not be tolerated and that
8 respectful policing will be rewarded.

9 I thank you very much,
10 Mr. Chairman, for the opportunity to address
11 this panel on this very important issue.

12 MR. CLYBURN: Thank you very much.
13 I think that there are some issues that you
14 raised we'd like to get into during the
15 question and answer period. But thank you so
16 much.

17 We will now recognize Ms. Laura
18 Murphy, the Legislative Director of the ACLU.

19 MS. MURPHY: Thank you,
20 Mr. Chairman, and I ask that an entire copy
21 of my testimony be made part of the permanent
22 record of this hearing.

1 MR. CLYBURN: We'll do that. Thank
2 you.

3 MS. MURPHY: "For too many people,
4 especially in minority communities, the trust
5 that is essential to effective policing does
6 not exist because residents believe that
7 police have used excessive force; that law
8 enforcement is too aggressive; that law
9 enforcement is biased, disrespectful, and
10 unfair. When minority communities, in the
11 wake of a shooting, immediately assume the
12 police officer, not the suspect, is at fault,
13 we have a problem. The tensions that arise
14 between the police and minority residents
15 have serious consequences both in terms of
16 effective policing and community unrest."

17 Those aren't my words, but those
18 are words of the Attorney General in her
19 National Press Club statement on April 15th
20 of this year. But the ACLU is here to say
21 that awareness of the problem is not enough.

22 As I direct the ACLU Washington

1 office, I come here today to address the
2 police brutality issue in minority
3 communities and communities across the
4 country. The ACLU brought Williams v. City
5 of Pittsburgh, a class action suit on behalf
6 of 25 named plaintiffs, 17 of whom were
7 people of color.

8 This suit eventually led to the
9 Justice Department investigation of
10 Pittsburgh and a subsequent consent decree.
11 The ACLU has been a long time promoter of
12 civilian review boards, an important tool
13 used to investigate and discipline police
14 abuse. We are also actively working for
15 positive legislative mandates that change
16 police training policies both at the national
17 and state levels.

18 As many of you know, I've worked
19 with you here in Washington concerning the
20 1994 Crime Bill, driving-while-black
21 legislation, felony disenfranchisement, the
22 Racial Justice Act, the crack powder cocaine

1 disparity. We've been actively involved in
2 our criminal justice system.

3 We believe that many of the
4 problems that bring us here today are a
5 direct fallout of the war on drugs, and
6 minority groups are but the domestic casualty
7 of that misguided war.

8 Other people today have or will
9 describe specific instances of police abuse.
10 I would rather use my time to offer some
11 specific recommendations which could easily
12 be implemented by this Administration without
13 passing any new laws.

14 Since the passage of the 1994 Crime
15 Bill, the Clinton Administration has been
16 armed with a powerful club, and many of my
17 colleagues on the panel have made reference
18 to it, a club against police misconduct.
19 That is the legal authority to investigate
20 and remedy pattern and practices by law
21 enforcement agencies. However, almost five
22 years later, Pittsburgh remains the only

1 major city, certainly a smaller town in Ohio,
2 but the only major city under a pattern and
3 practice consent decree. That's a disgrace.

4 Part of the 1994 crime bill
5 required the production of data relating to
6 the use of excessive force by the police, and
7 Mr. Roth has gone into that. That data is
8 not being collected, and the Justice
9 Department is not using its power to collect
10 that data, the power they could put on local
11 police agencies.

12 The federal government has been
13 quite willing to fund programs designed to
14 get officers off the street. It has been
15 considerably less willing to ensure that
16 officers' conduct is appropriate once they're
17 on the street.

18 In response to a national crisis
19 and confidence in law enforcement in
20 communities of color, the President has
21 proposed a timid and wholly inadequate
22 approach. The President proposes to spend

1 \$48 million in new spending. Of that total,
2 20 million is aimed at police training; 20
3 million will enhance educational
4 opportunities for officers; 5 million will
5 support local so-called "citizens police
6 academies"; 2 million will support improved
7 minority recruitment; and only 1 million is
8 aimed at enhanced accountability enforcement
9 by the Civil Rights Division.

10 These funding priorities are skewed
11 tragically in the wrong direction.
12 Ninety-five percent of the President's
13 proposed funding is for programs he knows the
14 major police unions will support. The
15 funding priorities are not only inadequate;
16 they are insulting to the civil rights groups
17 they are apparently aimed to placate.

18 We call upon Attorney General Reno
19 and President Clinton to implement the
20 following changes: (1) Allocate at least \$5
21 million instead of \$1 million for stepped-up
22 accountability in the form of resources

1 targeted to the Civil Rights Division's work
2 on police misconduct. This work is at least
3 as important as citizen police academies and
4 still is only a drop in the bucket of what is
5 needed to have a meaningful impact
6 nationwide.

7 (2) Allocate at least 5 million as
8 opposed to 2 million for improved minority
9 and female recruitment into law enforcement.
10 Again, this is at least as important as
11 citizen police academies. Recruitment in
12 communities of color is necessary to ease
13 some of the current tensions. Also, studies
14 suggest that women officers use force and
15 generate complaints and lawsuits less
16 frequently than their male counterparts.

17 (3) Implement a workable strategy
18 for fulfilling the 1994 law requiring the
19 collection of data on the use of excessive
20 force. I won't go into any more detail; Mr.
21 Roth and Hillary Shelton have talked about
22 this.

1 (4) Institute police training aimed
2 at breaking the code of silence. Law
3 enforcement officers should be required to
4 actually practice what to do if they see
5 their partner engaged in brutality or an act
6 of blatant racism. No department does this
7 type of role play training on this crucial
8 part of every officer's responsibility. I
9 have to say that I've met a lot of good
10 police officers who feel under enormous
11 pressure from their colleagues to toe the
12 line, to get tough, to protect each other,
13 not to break the code of silence. When they
14 come out, they face such severe consequences
15 that often times their own lives are at risk
16 from their fellow officers. We've got to
17 help the good cops come forward.

18 (5) Include in the federally funded
19 integrity training program model whistle
20 blower procedures to protect officers who
21 report misconduct. Again, more of the same,
22 but not necessarily everybody who's a whistle

1 blower is actually a police officer.
2 Sometimes their on the administrative staffs
3 of police agencies. They need to have
4 protections as well as the police officer.

5 (6) Urge the passage of the Traffic
6 Stops Statistics Act of 1999. Attorney
7 General Reno mentioned the need for
8 statistics, said she was studying it. We
9 need more than study. This is a mild piece
10 of legislation. It merely collects data. It
11 doesn't punish police officers.

12 So, the Administration ought to
13 come out clear, front, and center and support
14 this legislation that so many of you have
15 co-sponsored. Many troubling interactions
16 between police and citizens evolve from
17 traffic stops which are often targeted at the
18 minority community. The Administration
19 should be willing to say that the slight
20 burden on law enforcement to collect the data
21 is heavily outweighed by the need for
22 effective pro-active legislation.

1 In fact, the ACLU brings the
2 largest number of driving-while-black
3 lawsuits of any, black and brown lawsuits, of
4 any national organization, and we've entered
5 into a consent decree with the state of
6 Maryland, and the state of Maryland has not
7 said that this is burdensome. They are
8 producing the statistics. The statistics are
9 already in your driving record.

10 So, once a police officer has your
11 driver's license, they are not required to do
12 any deep research, engage in any deep
13 questioning at the scene of an incident.
14 Merely plugging that in and cataloging that
15 information differently can give us the
16 statistics we need, and this act should be
17 passed.

18 (7) Conduct a systematic review of
19 all Operation Pipeline drug interdiction
20 training for any explicit or implicit racial
21 references. I would say the same for INS
22 training, Bureau of Indian Affairs training

1 as well. Mr. Yzaguirre makes an important
2 point. The federal government has one of the
3 largest police forces in the nation, the
4 largest. Not only INS, Bureau of Indian
5 Affairs, ATF, FBI.

6 These gentlemen and women need
7 training, and implicit, not explicit, but
8 implicit in a lot of their drug interdiction
9 training are racial inferences in terms of
10 profiling. We've got to put those training
11 manuals front and center and re-engineer them
12 so that they are clear that they are there to
13 uphold people's civil rights, not to violate
14 them in the course of law enforcement.

15 (8) Establish national standards
16 for traffic stops. This, again, is something
17 that the Attorney General was leaning toward
18 in her April 15th press statement. These
19 standards should include at least the
20 following points: 1. A ban on deception in
21 highway drug interdiction stops. If the
22 actual motivation for a traffic stop was a

1 desire to find drugs, people should be
2 immediately informed that they are being
3 stopped as part of a drug interdiction
4 program instead of being given a phony
5 pre-textual excuse as to why they're being
6 stopped.

7 The driver should be clearly
8 informed of his or her right to refuse to
9 consent to a search, preferably in writing.
10 There should be a ban on extending
11 non-consensual stops, which allows officers
12 time to bring drug-sniffing dogs to the
13 scenes. This practice unnecessarily detains
14 motorists and usually does not result in
15 finding any drugs. 4. Drivers should be
16 affirmatively informed that they are free to
17 go as soon as the alleged purpose of the
18 stop, for example, issuing a minor traffic
19 citation, has been completed. And last,
20 Miranda rights should be read if they are
21 arrested. Miranda is at risk.

22 There's a case challenging the

1 Miranda rights in the 4th Circuit; it could
2 work its way up to the Supreme Court. This
3 Administration ought to insist and ought to
4 say in any legal brief before the court that
5 Miranda will be protected. Miranda is at
6 risk, and that's going to exacerbate the
7 problems that we're talking about here today.

8 I'm winding up, Mr. Chairman.

9 Lastly, Attorney General Reno announced
10 during her Press Club speech that she will be
11 holding a summit on police abuse on June 9th
12 and 10th. We hope to see, as a result of
13 this summit, an increased emphasis on police
14 accountability instead of merely more talk
15 about training. Training and education,
16 while important, will never be enough by
17 themselves to end police abuse.

18 Over-emphasis on training reflects
19 a failure to recognize or confront that a
20 significant portion of the police misconduct
21 problem is not related in any way to
22 inadequate training. Some misconduct occurs

1 not because the officers didn't know they
2 weren't doing something wrong, but instead
3 because they knew, based on their own
4 experience, that they would almost certainly
5 get away with it. This attitude will not
6 change until these officers learn to expect
7 the opposite.

8 Perhaps the most famous police
9 whistle blower, Frank Serpico, recently said
10 that we need to create an atmosphere where
11 the bad officers have more to fear than the
12 good officers, rather than the other way
13 around. That atmosphere will not be created
14 until we place a high priority on police
15 accountability.

16 Thank you so much for calling this
17 hearing, and I'm here to work with you.
18 Whatever we want to do to get the job done,
19 you can count on the ACLU.

20 MR. CLYBURN: Thank you very much,
21 Ms. Murphy. We are now going to call up Mr.
22 Ron Daniels of the Senate for Constitutional

1 Rights.

2 MR. DANIELS: Thank you, Mr.
3 Chairman.

4 MR. CLYBURN: I will enter your
5 entire testimony into the record.

6 MR. DANIELS: Thank you, sir. To
7 the Chairman and to Chairman Clyburn and to
8 the chairpersons of the task force,
9 Congressman Danny Davis and Congressman
10 Meeks, the Center for Constitutional Rights
11 is pleased to be able to submit some
12 observations to the committee.

13 The Center for Constitutional
14 Rights is a 33-year-old nonprofit legal and
15 educational organization dedicated to
16 advancing and protecting the rights
17 guaranteed by the United States Constitution
18 and the Universal Declaration of Human
19 Rights. The Center for Constitutional Rights
20 is a national police accountability
21 initiative, which works with a number of
22 groups across the country, and most recently

1 the Center was the principal sponsor of the
2 National Emergency March for Justice, which
3 was held here in Washington, D.C., on April
4 34rd, Martin Luther King memorial weekend.

5 As you indicated, I do have a
6 prepared statement, and I'm also a columnist,
7 and my column is distributed in over 100
8 African-American and progressive newspapers
9 nationwide. I have appended a series of my
10 columns that speak to this issue to the
11 testimony. What I will attempt to do is not
12 to read this in its entirety, but simply
13 comment on certain aspects of it.

14 The first thing I'd like to note is
15 something that does not get referenced, in
16 judgement, sufficiently; that is, that this
17 question of police brutality and misconduct,
18 and Congressman Meeks and Congressman Bobby
19 Scott both alluded to this, must be seen in
20 the broader context of more than two decades
21 of flawed and failed policies.

22 It is not just the question of

1 police brutality and misconduct. It is a
2 question of the past two decades. During the
3 past two decades policymakers of both
4 political parties at all levels in our nation
5 tending to place a higher priority on more
6 police, tougher sentencing, mandatory
7 sentencing, defederalization of war crimes,
8 the death penalty, and more prisons and jails
9 as a substitute for policies which promote
10 social, economic, and racial justice. That
11 is the context.

12 If I might just say quickly, in
13 effect what has happened, in part, is that
14 having helped to create a problem through
15 blatant neglect, then there had to be a
16 policing methodology used to correct the
17 problem. I think it's very important that we
18 see it in that broader context.

19 Secondly, we have to also say in a
20 corollary way that politicians, in
21 particular, have helped to demonize and
22 marginalize certain sectors of the

1 population, most notably Blacks and Latinos
2 and other people of color by jockeying for
3 public office by, of course, scapegoating
4 people of color. The other blame has to be
5 sorted out to the news media that also has
6 been addicted to sound bites and
7 sensationalism, which has helped to create a
8 popular image that has equated crime with
9 people of color.

10 As a consequence, Blacks and people
11 of color are de facto profiled populations,
12 they are said to be with a high propensity to
13 commit crime. Of course, racial profiling
14 has already been alluded to.

15 The next thing, it seems to me,
16 that is critically important to understand is
17 yes, police brutality has always been with us
18 but there's something new in this picture.
19 And that also has been alluded to. That is
20 the question of a war paradigm, a war model,
21 the war on drugs, the war on crime. Out of
22 that has come these new special paramilitary

1 units like the Street Crimes Unit in New
2 York.

3 This unit, which Hugh Price alluded
4 to earlier, would stop some 45,000, recorded
5 stops, and I say "recorded stops" because the
6 information now suggests that they sometimes
7 may only record one out of three, one out of
8 five, one out of ten, which means if you just
9 use the lower figure to maintain some
10 credibility, you're talking about 150,000
11 stops, not 45,000 stops.

12 This dragnet effect has swept up
13 large numbers of innocent people. By the
14 way, of those 45,000 people there were 10,000
15 arrests; 5,000 of the cases were dismissed.
16 Out of hand. We don't know how many of the 5,000
17 also resulted in convictions.

18 The use of tactics similar to
19 those, let me just say the Center for
20 Constitutional Rights has filed a civil
21 rights lawsuit against the Street Crimes Unit
22 because, in effect, what has also happened

1 with these units all across the country is it
2 has put pressure on the Fourth Amendment.

3 That is to say the whole provision
4 against illegal or unreasonable search and
5 seizure. Since it is mostly black and people
6 of color communities that are subjected to
7 this, one also questions the erosion of the
8 Fourteenth Amendment in terms of the equal
9 protection clause. The point, however, is
10 that these kinds of tactics are being used
11 not just in New York, New York has become the
12 model for communities all across the country.

13 The use of street crimes units,
14 narco units. Chicago, where there are these
15 massive sweeps that are used in which large
16 numbers of young people are caught up.

17 This chemistry of ill-conceived
18 policing policies and practices has produced
19 a highly combustible situation in communities
20 of color, which must be addressed immediately
21 or we can anticipate a rash of explosions in
22 community after community across our nation.

1 It has reached the boiling point, and our
2 people are now crying out, "Enough is
3 enough."

4 In terms of recommendations, No. 1,
5 we are delighted that the President has
6 finally spoken out on this issue. However,
7 we think that some additional steps are
8 needed by he and the Attorney General. The
9 first of those is there needs to be town hall
10 meetings across this country.

11 The President is quite good at town
12 hall meetings. We need to ask him to conduct
13 town hall meetings on this issue. We've
14 asked the Attorney General to meet with
15 family members and victims. It is
16 impossible, as much as we at the Center work
17 with the family members, it is impossible to
18 get a sense of the flavor of this without
19 actually hearing their testimony, their pain,
20 their anguish.

21 So we are, again, asking for those
22 two things to be done: That the president

1 have town hall meetings and that the Attorney
2 General meet with family members. This has
3 also been mentioned. There are certain
4 themes that are emerging. The use of pattern
5 and practices provision of the Omnibus Crime
6 Bill of 1994. It has not been used
7 sufficiently. In New York City we've been
8 begging them to conclude that there is a
9 pattern and practice of police brutality, and
10 yet they've been very, very slow to do this.
11 We think that it needs to be intensified.

12 The Attorney General should also
13 conduct its expedited investigations of
14 ongoing civil rights cases. There are many
15 family members who'd like to have their cases
16 reviewed again because there's a feeling that
17 they did not receive the appropriate
18 priority.

19 The funding. I will say no more.
20 The President, when he delivered his address,
21 talked about \$42 million. He could have with
22 the stroke of a pen done what needed to be

1 done around the whole question of the data.

2 Everybody here has spoken to that.

3 We also believe that there's a need
4 for independent federal investigators. Some
5 people are calling this the Jonny Gammage Law
6 because of Jonny Gammage, the case out in
7 Pittsburgh, whose only crime was driving
8 while black in a late model car in a
9 predominately white neighborhood. We also
10 support the notion of passing the traffic
11 stop legislation in addition to the other
12 provisions.

13 Finally, I'd like to conclude by
14 saying that what needs to emerge out of these
15 hearings, all of the different hearings, is
16 the commitment to a new model
17 community-based, constitutionally compliant
18 policing.

19 It is not the case that one must
20 necessarily have a violation of one's civil
21 rights and human rights in order to reduce
22 crime. Within the context of a democracy, it

1 cannot be so. There's an imperative that it
2 be community based and constitutionally
3 compliant.

4 We also think that the
5 Congressional Black Caucus should spearhead
6 an effort to declare a moratorium on
7 additional federal funds for more police and
8 more prisons until there is a full review of
9 models of policing and their impact on police
10 brutality and misconduct and the explosive
11 growth in the prison-jail industrial complex,
12 which is, unfortunately, the logical, or
13 illogical, conclusion to all of this.

14 Let me just say in conclusion that
15 this holistic approach is important, that we
16 dare not just focus on police brutality. I
17 think that in terms of crime reduction, full
18 employment and a quality education is one of
19 the best crime reduction programs that I
20 know, and yet we have not emphasized enough
21 that side of the equation. The slogan, "No
22 justice, no peace," which was popularized in

1 New York and has become the slogan for a new
2 national movement against police brutality
3 and misconduct, is more than just a slogan.
4 It is a prophecy, which America ignores at
5 its own peril.

6 MR. CLYBURN: Thank you, Mr.
7 Daniels. Our final witness this morning is
8 Ms. Nwangaza.

9 MS. NWANGAZA: Nwangaza. That's
10 correct.

11 MR. CLYBURN: From Greenville,
12 South Carolina. Thank you so much for being
13 here from Amnesty International.

14 MS. NWANGAZA: Thank you. Thank
15 you for holding these hearings and inviting
16 us to participate.

17 My name is Efia Nwangaza. I'm a
18 practicing attorney from Greenville, South
19 Carolina, the state where, since the 1976
20 reinstatement of the death penalty in the
21 United States, the 500th person was executed.

22 I am a member of and a USA Campaign

1 Action Worker for Amnesty International USA
2 Section, Group 182, and the coordinator of
3 the South Carolina Chapter of the Malcolm X
4 Grassroots Movement for Self-Determination.
5 I would ask that I be allowed to revise and
6 extend my written remarks and at this time to
7 submit to the committee a copy of the USA
8 Campaign report, which is so liberally
9 referenced at various points and to our great
10 satisfaction and pride.

11 As you well know, Amnesty is a
12 worldwide human rights organization, composed
13 of grassroots activists around the world; has
14 been awarded the Nobel prize because of its
15 research, its reports, and the activism of
16 its more than one million members.

17 Again, we thank you for the
18 opportunity to call attention to and to seek
19 your assistance in our struggle for relief
20 from the repression and the brutality under
21 which we live. The legal system in the
22 United States from the cop on the beat to the

1 4th Circuit U.S. Court of Appeals to the
2 Supreme Court of the United States of America
3 has and continues to hold that
4 African-Americans have no rights which a
5 white person is required to respect.

6 Indeed, that system is designed and
7 maintained to contain, to control, and to
8 crush any assertion of human worth or
9 dignity. While we may go back as far as this
10 country's slave codes and Jim Crow laws,
11 brilliantly described in the works of the
12 late Honorable Judge Leon Higginbotham and
13 others, we need only look at the modern
14 variations of these laws. They are
15 COINTELPRO; Frummenchen; Wars on, or more
16 accurately, wars with drugs; zero tolerance
17 policies in schools, courts, jails, prisons;
18 and now the so-called "quality of
19 life/aggressive policing practices." Even
20 the popularly acclaimed "community-oriented
21 policing" is but a more sophisticated, thus
22 more deadly, form of aggression rooted in the

1 violence of slavery, Jim Crow, and urban
2 police violence.

3 Community-oriented policing is a
4 low- grade intelligence gathering device
5 which undermines personal relationships,
6 neighborhood support systems; turns even
7 children into informants. It renders the
8 community demoralized, defenseless, and truly
9 dependent. Community self-management,
10 community control of law enforcement in
11 communities of color, is viewed by both the
12 residents and law enforcement as unthinkable.

13 It is in the context of fundamental
14 disregard for the humanity of people of color
15 that the current wave of judicial and extra
16 judicial terror and violence must be assessed
17 and addressed. Over the past five years, 16
18 people have been killed on the streets and in
19 custody by law enforcement in Greenville,
20 South Carolina.

21 I would add that as a result, we
22 have added an additional category, and that

1 additional category is "riding while black"
2 as well as "driving while black," the most
3 egregious instance being a young black male
4 who, riding home with a friend, was shot and
5 killed as a result of four shots fired into
6 their vehicle when a sheriff's deputy thought
7 that they were about to run him over to
8 escape a simple traffic stop, namely an
9 improper lane change. He was hit in the head
10 and in the back.

11 Although the majority of these
12 deaths have occurred at the hands of county
13 sheriff's deputies using so-called
14 "aggressive" policing policies, tactics, and
15 equipment. Full military footing, local
16 police (especially in schools), and state
17 troopers on the highways play the "good cop"
18 role, however, with the same result.

19 The U.S. Department of Justice
20 repeatedly ignores community requests for
21 investigations and prosecutions unless a
22 nationally recognized organization can be

1 cajoled into making the request; even then,
2 the results are minimal and cosmetic. Funds
3 for more hardware, law enforcement personnel,
4 and prisons mount as school and social
5 program budgets decline. It is clear that
6 there are two legal systems in the United
7 States of America.

8 Amnesty International USA Section
9 and the Malcolm X Grassroots Movement for
10 Self-Determination call for, one, full
11 funding and implementation of the Police
12 Accountability Act of 1994; for the federal
13 government to tie local police funding to
14 authentic independent civilian review boards
15 with subpoena powers; and thirdly, for a
16 requirement that holds law enforcement
17 agencies to minimum international human
18 rights standards.

19 We thank you for this opportunity
20 to present these comments and look forward to
21 any assistance that we may be.

22 MR. CLYBURN: Thank you very much,

1 Ms. Nwangaza.

2 Let me thank all the members of the
3 panel. Before we go to questions of the
4 members who are here, let me recognize that
5 we have been joined here by Congressman
6 Elijah Cummings of Maryland, and I would like
7 to recognize him now before we start the
8 questioning. Congressman Cummings.

9 MR. CUMMINGS: Thank you very much,
10 Mr. Chairman. I want to thank you, and
11 certainly co-chairs Danny Davis and Gregory
12 Meeks. I also want to take a moment to thank
13 Congressman Fauntroy for all of your efforts.
14 We really appreciate what you have done to
15 help us out. Our panelists and every single
16 person who is here and who has had any part
17 to do with this.

18 As I was sitting here, I was just
19 thinking to myself that living in the city of
20 Baltimore I have an opportunity to see quite
21 a bit. It is not unusual on a daily basis to
22 see young African-American men pinned down to

1 the ground, and as I looked behind the panel
2 and I see the sign being held up, I can't
3 help but think that what happens so often is
4 that incident after incident happens and we
5 attend the funerals and we mourn; there's a
6 press conference here and a press conference
7 there; and the question becomes: How do you
8 bring it all together so that you focus in to
9 have the impact. That's why this hearing,
10 Mr. Chairman, is so important today, and I
11 was so glad to learn that C-SPAN was covering
12 it so that we could begin to bring all of
13 this and bring it together so that a picture
14 of what's going on in this country could be
15 set forth.

16 Perhaps one of the greatest things
17 that we have, as I listen to Mr. Daniels and
18 Laura and others, is not only are we painting
19 a picture of the problem, but we're also
20 painting a picture of the solutions. So
21 often I think what happens is: My mother has
22 a saying; she says, you can have motion,

1 commotion, and emotion and no results.

2 I know Chairman Clyburn is a very,
3 very serious man, and I know all of our
4 members here and the members who aren't here,
5 and we are committed to making a difference.
6 We really are, because it's not fun for us to
7 hear hearing after hearing after hearing and
8 then to be seating in these same seats five
9 years from now with more people having died,
10 with more people having suffered, with more
11 people having gone to funerals, with more
12 people with signs, and nothing has changed.

13 So, I guess my simple statement is
14 that I commit myself to work with my
15 colleagues to make sure we do affect change.
16 We don't have any choice there. There's just
17 too much. I think Mr. Daniels said it best
18 when he talked about how so often what
19 happens in our society is that our young
20 children aren't even given a decent head
21 start, the very things that they need to get
22 a head start. They don't get it.

1 I mean, I look at my community, Mr.
2 Chairman, and I see so many young people who
3 I have known since they were babies and many
4 of them unfortunately, because they didn't
5 have the opportunities, they had the will,
6 they had the genetic ability, but they didn't
7 have the opportunities, and then when they
8 get a little bit older, the next thing you
9 know they're being arrested, pinned down, and
10 they have a tremendous distrust for the
11 police.

12 So we have to work together and we
13 will work together, but I want us to
14 understand, and I just wanted to bring into
15 context, the significance of the moment
16 because it is a very significant moment, and
17 I guess the thing is that if we don't take
18 advantage of it, and I know the chairman
19 talks about this all the time, certain things
20 come together for a reason at a certain time,
21 a point in time, and if you don't take
22 advantage of that situation right then,

1 you're worse off.

2 If you don't deal with it right
3 then, you're worse off, and so that's why
4 it's so significant that all of you are here,
5 and we are truly, truly thankful and we
6 appreciate the fact that you have the
7 sensitivity, many of the people in the
8 audience I know have taken off from work to
9 be here, and we appreciate that. Thank you,
10 Mr. Chairman.

11 MR. CLYBURN: Thank you very much,
12 Congressman Cummings.

13 I noticed that during all of the
14 testimonies, I want to join Congressman
15 Cummings, he has indicated that, in all of
16 your testimonies here today, we're not just
17 hearing resuscitations of the problem. All
18 of you have come forth with some real solid
19 suggestions as to how we can solve some of
20 these problems.

21 I notice that there are some common
22 threads running throughout all of them, and

1 the one that I want to first ask
2 Mr. Yzaguirre to further speak to is the
3 whole question of the independent reviews
4 that you suggest ought to be a part or
5 conditions for any kind of federal funds. I
6 think everybody here talked about that. Tell
7 me a little bit more about how you view that.

8 MR. YZAGUIRRE: Mr. Chairman, I
9 think it's elementary that the police force
10 cannot investigate itself, that there's an
11 inherent conflict of interest, and so we join
12 our colleagues and associates in trying to
13 bring about some effective measures to get
14 oversight of the police, whether it's at the
15 federal level, whether it's civilian review
16 panels at the local level. These are
17 inherent processes that need to happen.

18 In our context, what has been very
19 vexing is the INS, which has some powerful
20 forces behind it. As I say, as I mentioned
21 in my testimony, 95 percent of the
22 apprehensions involve Latinos, and that

1 intersect between them and the police force
2 is something that is very egregious because
3 what's happening now is that through
4 Congressional action now they can enter into
5 Memorandums of Understanding through the
6 local police force that effectively give the
7 local police force the authority to target
8 somebody on the basis of their ethnicity, and
9 there is very little review, as my testimony
10 indicated, into horrible, people working in
11 their place of business, 80 people working in
12 their place of business being all of a sudden
13 attacked by an armed police force, heavily
14 armed police force, with no basis whatsoever
15 other than a so-called anonymous tip. Those
16 cases need to be reviewed.

17 MR. CLYBURN: I guess why I'm
18 asking this question is because you spoke of
19 INS. We've heard one or two panelist speak
20 of the FBI. I think we've mentioned the ATF.

21 Then there are sheriffs'
22 departments; there are city police

1 departments. Are we talking about a
2 proliferation of independent boards? Or are
3 we talking about some kind of independent
4 process that could be established whereby all
5 of these entities could be addressed?

6 Ms. Murphy?

7 MS. MURPHY: Mr. Clyburn, there's a
8 little known provision in the terrorism bill
9 of 1996 calling for a Federal Law Enforcement
10 Review Commission, and this was, I believe, a
11 five-person panel where the Speaker of the
12 House and the Majority Leader of the Senate
13 was able to appoint a couple of people and
14 the President was able to appoint a few
15 people, and the Justice Department and
16 Clinton Administration fought this when it
17 was considered in the terrorism bill, and it
18 was an outgrowth led by, I think it was led
19 by Congressman Bob Barr, but it was supported
20 by the ACLU and groups as disparate as the
21 National Rifle Association because just as
22 some of the conservatives were concerned

1 about Waco and Ruby Ridge, we were concerned
2 about INS and Bureau of Indian Affairs and
3 ATF abuses, too, and so we came together and
4 that provision passed and the Justice
5 Department I think has stymied the
6 effectiveness of this Federal Law Enforcement
7 Review Panel.

8 We've got agencies that have no
9 office that you can report to, and the
10 customer, the consumer, as we've seen with
11 Customs for example, doesn't know where to go
12 for relief, and so one of the things that I
13 think we ought to come away with out of this
14 hearing is that there is a lot that can be
15 done under existing law to give guidance to
16 federal agencies as well as to local
17 agencies.

18 On the issue of civilian review
19 boards, though, at the local level, we've
20 found that many times the national police
21 unions we believe short-sightedly have fought
22 local civilian review boards, and we believe

1 that there are some success stories out there
2 that we could point to so that the
3 Administration wouldn't be so reluctant to
4 encourage local civilian review board
5 oversight. But, again, in many of these
6 cases we don't have to pass new laws. If we
7 would just get some commitment to implement
8 the laws that are on the books we could have
9 adequate civilian review.

10 MR. CLYBURN: Thank you very much.
11 I'm going to yield now to Congressman Davis
12 for questions. Before I do, though, let me
13 ask one little question that's kinda of
14 gnawing at me, Mr. Yzaguirre. You mentioned
15 a police officer who had 14 prior incidents
16 of brutality or of accusations of brutality.
17 What has happened to that police officer
18 since this last case that you brought to our
19 attention today?

20 MR. YZAGUIRRE: Mr. Chairman, I
21 have no information that anything has been
22 resolved. I think the case is still pending

1 and we still have not received justice. If I
2 am erroneous in that assessment, I will
3 notify the Committee immediately.

4 MR. CLYBURN: Please do. I'm very,
5 very interested in that particular incident.
6 Thank you so much, and I yield to Congressman
7 Davis.

8 MR. DAVIS: Thank you very much,
9 Mr. Chairman. One of the themes that I've
10 heard this morning is the creation of
11 independent review boards or civilian review
12 boards in local municipalities. My question
13 is how do you see those in many local
14 municipalities? The same people who control
15 the police control all other appointments,
16 control all compilations of municipal life.
17 How would you see those being structured in
18 such a way that there was indeed the level of
19 independence that we have in mind.

20 MR. SHELTON: May I respond to
21 that? Hillary Shelton from the NAACP. In my
22 testimony is an outline of 10 criterion that

1 a local police accountability review board
2 must meet to be acceptable to us. Things
3 like: It must have independence; that is, it
4 must have its own budget, its own staff.

5 It must be appointed by someone who
6 is politically accountable. What happens in
7 too many communities throughout the country
8 is the police accountability review board is
9 actually appointed by the police chief. The
10 police chief decides who sits on it. The
11 police chief decides what kind of budget it
12 has.

13 The police chief actually engages
14 it when there's a high profile incident, and
15 the police chief actually takes from it
16 whatever report it offers and can decide
17 whether to sit on that report or whether to
18 use it, as in so many cases, simply a public
19 relations tool validating that the police
20 officers acted appropriately. So, it must
21 have independence; it must have its own
22 budget; it must have a staff that can

1 actually investigate; it must have the power
2 to shut down any internal police
3 investigations at the time so that the police
4 cannot move to cover its own tracks in
5 incidents along these lines.

6 So, it must be able to actually
7 subpoena that data that has been collected
8 prior to its engaging itself. There are a
9 number of ways that police accountability
10 review boards can be put in place.

11 MR. CLYBURN: Hillary.

12 MR. SHELTON: Yes.

13 MR. CLYBURN: Let me just assume
14 when you say accountable, you really mean
15 someone who is elected.

16 MR. SHELTON: Absolutely.
17 Absolutely. For instance, in places that
18 this has worked out very well, appointed by
19 the mayor and yet confirmed by the city
20 council. So, those people are held
21 politically accountable as opposed to, once
22 again, we're talking about the police chief

1 because the police chief is someone who is
2 under contract.

3 Even in cases where a police
4 chief's services are no longer required, they
5 usually have an iron-clad contract in which
6 they're getting a vacation, now, and being
7 paid. So they're not worried about those
8 things. Let me also say that in many cases
9 you need a separate entity because of the
10 political dynamic around the mayor
11 negotiating with the police union over the
12 next contract.

13 Issues and concerns along those
14 lines must be taken into place as we look at
15 their independent status. We've seen cases
16 whereas state governments actually implement
17 the police accountability review board as
18 well. There are a number of levels in which
19 it can be implemented. There are a number of
20 ways it can be held accountable.

21 MR. DAVIS: So the point is unless
22 there is an activist citizenry, it's still

1 not going to work. I just want to make sure
2 that this point is present, that unless the
3 citizenry is activated, actively involved,
4 actively engaged, it still cannot work.

5 MR. SHELTON: Absolutely. Let me
6 also say that there is a role for the federal
7 government. What you're saying is absolutely
8 true, but there is a role for federal
9 government oversight, even in the
10 implementation of police accountability
11 review boards.

12 The holding up of funding, as we
13 look at issues, not only providing funding to
14 the police accountability review board to be
15 able to do its job, but actually utilizing
16 the carrot and stick approach of holding up
17 the billions and billions of dollars that we
18 all know flow from the federal government to
19 local police departments on an annual basis.

20 MR. DAVIS: Ms. Murphy, could I
21 just, I'm going to ask directly a question to
22 you, and you could respond at the same time.

1 We've seen a reluctance on the part of the
2 Attorney General to respond to the request to
3 investigate patterns of misconduct and abuse.
4 Members of the panel have mentioned it.

5 In my city, we've had any number of
6 requests basically led by Reverend Paul
7 Jakes, Jr., and while we have had some
8 response in terms of the willingness to
9 sometimes look at a specific case, if the
10 profile is high enough, if there is enough
11 human cry, enough marches, demonstrations,
12 and protests but we have not been able to get
13 a response in terms of patterns of misconduct
14 and abuse. Why do you think that is true on
15 the part of the Justice Department?

16 MS. MURPHY: I think that is a
17 complicated answer, and part of it has to do
18 with resources, legitimate limited resources
19 that have been failed to put into this
20 section of the Civil Rights Division, to look
21 into pattern and practice litigation. But
22 the other part of it, I want to step back and

1 just look at the politics of this. This
2 Administration has tried to out-Republican
3 the Republicans on the criminal justice
4 issue, and I can't state it, I can't mince my
5 words, I think that part of the effort to
6 attract voters is to prove that you're tough
7 on crime and you don't prove allegedly that
8 you're tough on crime if you get engaged in
9 challenging police departments across the
10 country.

11 But I think their failure to
12 address the problem in police departments
13 around the country undermines the respect for
14 the rule of law that they are hoping to
15 achieve. I don't think it's necessarily
16 maliciousness; I just think it's political.
17 I think that so much of the criminal justice
18 agenda has been run out of the White House in
19 this Administration. That's been my
20 experience working on crack powder cocaine,
21 death penalty, racial justice act, driving
22 while black.

1 I think that a political decision
2 needs a political response, and I think
3 hearing repeatedly from this caucus is
4 important, but I also think that the larger
5 question is: How do we encourage non-racial
6 minorities, the majority population, to see
7 that this is an interest in their enlightened
8 self-interest? When you look at the cost of
9 \$29 million.

10 Congressman Meeks, you talked about
11 these lawsuits, what they're costing in local
12 tax dollars. That's an incentive for the
13 larger community to make sure that the
14 problems of civil liberties violations are
15 resolved. If you look at the disrespect for
16 the criminal justice system that this
17 engenders, that's the reason. So, I think
18 that it's a multi-reason, and maybe I'm wrong
19 but I'd like someone to tell me why I'm
20 wrong.

21 MR. DAVIS: Let me just thank you
22 very much, because I think what you're saying

1 and what I think you're saying to all of us
2 is that you can never escape the politics of
3 public policy decision making, and that
4 politics will always play a role in the
5 making of public policy decisions. I thank
6 you very much, and I thank you, Mr. Chairman.

7 MR. CLYBURN: Thank you,
8 Congressman Davis. Congressman Meeks.

9 MR. MEEKS: My question is to
10 anyone in particular, not to anyone in
11 particular, anyone that can. I am very
12 concerned. I'm a federal prosecutor, some of
13 you may or may not know. I'm concerned with
14 the lack of aggressive prosecution of police
15 officers who commit crimes.

16 I want to throw this out: The
17 federal government currently prosecutes
18 certain drug cases and gun offenses, which
19 was formerly handled by the states. What
20 would you feel about the federal government
21 or making it a crime if the federal
22 government prosecuted cases of police

1 brutality.

2 For example, in the case of
3 Mr. Baez or Mr. Lavote on the state level was
4 found not guilty, and often what I have found
5 happening on a state level, at least in New
6 York, the defendants, which is their right,
7 the police in this case, choose to be tried
8 by a judge as opposed to a jury.

9 The judge in that case is the same
10 judge that's going to have to hear the
11 testimony of police officers throughout his
12 or her tenure as a judge sitting there. The
13 district attorney is the same district
14 attorney that has to have the police come
15 forward to continue their jobs. So it seems
16 to me that it may be an inherent conflict.

17 In New York we were fortunate that
18 Robert Johnson had the nerve to continue an
19 investigation and come up for the first time
20 in the history of New York with a murder
21 indictment, but we know that he had to rely
22 on the Federal Bureau of Investigation to be

1 able to get the evidence to do that. So, my
2 question to you is: What about police
3 brutality and the prosecution of it being a
4 federal case?

5 MR. CLYBURN: Mr. Roth?

6 MR. ROTH: I am very glad you asked
7 that question. There is a crime already
8 that, at least theoretically, federal
9 prosecutors can use to attack police
10 brutality. It's Title 18, U.S. Code 241 and
11 242, which essentially the criminal
12 deprivation of one's civil rights. The
13 problem with that law, and, in fact, Attorney
14 General Reno spoke about this in her speech
15 last month, is that it requires the so-called
16 specific intent to deprive the victim of his
17 or her civil liberties.

18 Juries don't know what that means.
19 The result is that, and I say this as a
20 former federal prosecutor myself, it is
21 incredibly hard to make cases under 241 or
22 242.

1 The statistics bear this out.
2 There were, in fiscal year 1997, 10,000 civil
3 rights complaints that were filed, most of
4 them involving law enforcement officials.
5 Only 70 officers were indicted, and only 28
6 were convicted. Each of those percentages is
7 less than one percent of the complaints
8 filed.

9 I won't pretend that the only
10 reason is the statute, because there are
11 obviously big questions of political will
12 involved as well, but if the statute is
13 creating such serious obstacles to pursuing
14 the federal prosecutions that you
15 legitimately mention should be one of the
16 options I think Congress has to ask itself,
17 is the statute serving the purpose that we
18 enacted it for, and if not, shouldn't we
19 amend it so that we don't require this odd,
20 specific intent that no one understands and
21 as a result no one's willing to prosecute
22 under?

1 MR. CLYBURN: Mr. Daniels?

2 MR. DANIELS: Yes, I wanted to just
3 say that there's an analogy that needs to be
4 drawn in terms of this crisis, and the
5 analogy that has been made is the civil
6 rights movement in the '60s and how people
7 relate it to law enforcement in the south.

8 One of the reasons why many
9 African-Americans and other people of color
10 have been fearful of devolution is because we
11 knew that it would sort of intensify or
12 magnify state rights and local rights, and we
13 haven't faired too well under local rights
14 and state rights, and I say that to suggest
15 that the reason why there's a need for
16 federal action, including the enactment of
17 this Jonny Gammage provision which needs to
18 be explored. There's a need to explore the
19 specificity of how it would function.

20 The need for a federal prosecutor
21 that could investigate some of these cases.
22 It's precisely because people at the local

1 level don't have faith and confidence in the
2 local prosecutors, attorney generals, because
3 they feel that they are the problem. They
4 may not be the Ku Klux Klan and all that kind
5 of stuff, but the point is that the faith and
6 confidence is not there, and with some
7 justification.

8 I support the notion of the need
9 for several kinds of federal actions to be
10 taken, one of which is this whole notion of
11 exploring vigorously the ways in which a
12 federal prosecutor could be put in place that
13 could, in fact, investigate cases and
14 instances where people feel that the local
15 law enforcement agencies have not done their
16 jobs. The other things are things, as have
17 been suggested that are already on the books,
18 that need, however, to be enforced. The
19 pattern and practice investigation was one of
20 the few good provisions of the Omnibus Crime
21 Bill of 1994, but it's not being used as
22 vigorously and it could be used vigorously

1 and could be very helpful.

2 MS. NWANGAZA: Efia Nwangaza.

3 Speaking more directly as the coordinator for
4 the Malcolm X grassroots movement, I would go
5 back to the question raised with regard to
6 the independent civilian review boards and to
7 encourage that alternatives to appointment,
8 even by elected officials, that some process
9 or structure be considered where neighborhood
10 officers could identify and run for office so
11 that the people who are most directly
12 affected by these abuses have a greater
13 opportunity to choose their own
14 representatives and the communities are, as a
15 result, further empowered toward
16 self-management, self-policing in addressing
17 the issue of police abuse.

18 I would also urge that with regard
19 to the use of federal prosecutors that
20 investigations be done by agents outside of
21 the regions. For instance, in Greenville,
22 one of the problems that we've had is that

1 where the Department of Justice came in, did
2 an investigation of the killing of a young
3 man who was essentially stomped to death by
4 ten prison guards, and the criminal aspects
5 were investigated by local FBI agents,
6 despite a scathing report from the Justice
7 Department.

8 Then local FBI came out saying
9 there was no criminal misconduct. It's our
10 belief, again, that because of the existing
11 relationships between these investigative
12 bodies, that the kind of impartiality that's
13 essential requires outside investigators.

14 MR. CLYBURN: Thank you very much.
15 Congressman Scott?

16 MR. SCOTT: Thank you, Mr.
17 Chairman. Mr. Roth, I was intrigued by your
18 statistic that out of 10,000 complaints there
19 were only 70 indictments. Does that suggest
20 that a criminal response may not be the
21 appropriate response, that some kind of civil
22 or administrative response may be more

1 appropriate?

2 MR. ROTH: I think if you speak to,
3 really, anybody who follows the problem of
4 police brutality closely, they will all admit
5 that prosecution is too blunt an instrument
6 to be relied on exclusively. It's a key part
7 of any accountability system, and in
8 egregious cases you clearly want to prosecute
9 the offender.

10 But if you rely on juries or judges
11 to convict police officers, they usually
12 won't. Prosecutors often won't even bring
13 the case. So you need a variety of other
14 tools. The pattern and practice lawsuits
15 that have been mentioned by a number of my
16 colleagues also are very useful instruments,
17 but even become possible only in the worst
18 kind of systematic cases.

19 They don't deal with individual
20 cases in a city that otherwise may not be
21 plagued by systematic problems. Even if you
22 rely on private lawsuits, that puts the

1 burden on the victim to hire a lawyer to take
2 the risk involved, and there really is no
3 substitute for having strong internal
4 disciplinary mechanisms, mechanisms that
5 ideally should be supplemented by an
6 independent civilian or citizens review
7 board.

8 But, the bottom line is that the
9 culture of a police force is set by its
10 leadership. It's set by the mayor, and it's
11 set by the chief of police, and it's set
12 really by the captain who signals whether he
13 or she feels that police abuse is a serious
14 problem or not. If police officers are fired
15 for engaging in acts of abuse, if they're
16 disciplined or suspended, that lesson is
17 learned very, very quickly. But if they get
18 away with it, the lesson of impunity is you
19 may as well do some more.

20 MR. SCOTT: As members of Congress,
21 what can we do about that?

22 MR. ROTH: Well, I think that,

1 frankly, a number of us have referred to what
2 would be an incredibly powerful tool. I look
3 at this, I deal with abusive countries around
4 the world, and U.S. law is very strong in
5 saying that the United States government will
6 not provide funding to the security forces,
7 the police forces, of any country that
8 engages in systematic human rights
9 violations. Let's apply that at home. Let's
10 take this billions of dollars in aid that the
11 federal government, with Congressional
12 authorization, provides each year to police
13 forces, and let's condition that.

14 I'm not even proposing here radical
15 conditions. I think you do wonderfully by
16 simply looking at the conditions that
17 Attorney General Reno herself has imposed on
18 Pittsburgh and on Steubenville, Ohio. Those
19 consent decrees are really models of the kind
20 of multi-faceted accountability system that
21 we need in order to end this plague of police
22 abuse.

1 Let's not rely on the underfunded
2 special litigation unit of the civil rights
3 division to have to bring one of these
4 occasional pattern and practice lawsuits to
5 get those kinds of conditions imposed. Let's
6 make those conditions a condition of
7 receiving federal aid. There is nothing I
8 can imagine that this Congress could do that
9 would be more effective than suddenly using
10 the power of the purse to insist on an end to
11 police abuse.

12 MR. SCOTT: Thank you. I've
13 noticed that many of the witnesses have
14 suggested some kind of national standard for
15 traffic stops. I noticed in Mr. Price's
16 testimony, he mentioned that three-fourths of
17 the people stopped, there were no charges
18 filed; they had done nothing wrong. I think
19 people forget that your constitutional rights
20 against unreasonable search and seizure,
21 those rights are not there to protect the
22 guilty; they are there to protect the

1 innocent, so that if there's no probable
2 cause for a stop, innocent people will not be
3 stopped.

4 My question is: How would those
5 national standards for traffic stops, either
6 Mr. Shelton or Ms. Murphy, how would they
7 differ from just the normal articulable
8 probable cause required before a stop and an
9 exclusion of any evidence which removes the
10 incentive to get the evidence for evidence
11 that is obtained without articulable probable
12 cause prior to the evidence being sought?

13 I think to begin to answer that
14 question, you have to look at some of the
15 programs that are in place now.

16 One that Laura Murphy referred to
17 earlier is Operation Pipeline in which the
18 present routine traffic laws are actually
19 slanted to be able to bring about these
20 traffic stops. The normal process is: The
21 police officers pulls up alongside of the
22 car. If the person looks at them too long,

1 then that's their suspect. If they never
2 look at them, they're a suspect. If they
3 change lanes, they're a suspect. If they
4 slow down, they're a suspect. If they speed
5 up, they're a suspect. No matter what they
6 do, they're a suspect.

7 They pull the car over. They look
8 inside the car. If they see wrappers from
9 McDonald's, then they're a suspect because
10 the assumption is all the suspects were
11 trafficking drugs, that all drug mules don't
12 get out of their car. They drive through the
13 drive-through window to eat because they're
14 afraid somebody's going to steal the drugs in
15 the back of their car, so that the point is,
16 I think, No. 1, we have to eliminate the use
17 of the rouse of the tools of pulling people
18 over, that is, pulling people over for any
19 other excuse, a tail light and what not, and
20 knowing that what they're really trying to
21 get at is to search the car to see if they
22 have drugs in their possession.

1 Just to compound the argument that
2 you've made, in the state of California there
3 were 47,000 routine traffic stops for the
4 purpose of checking for drugs, and of those,
5 they resulted in less than two percent actual
6 drugs in the possession of the people that
7 were stopped. So, even the present approach
8 is very, very ineffective and very cumbersome
9 and threatening to our basic Bill of Rights.

10 MR. SHELTON: Because 98 percent of
11 the people stopped were not guilty, and if
12 you have an incentive to do that kind of
13 thing, that is, if the two percent you
14 actually find, you can use the evidence, then
15 there's no disincentive to stopping the 98
16 percent who are innocent.

17 MR. SCOTT: Absolutely.

18 MR. SHELTON: It seems to me that
19 if we just go back to the basics and require
20 constitutionally required probable cause
21 before you stop people, you wouldn't have the
22 problem.

1 MR. SCOTT: Let me just also
2 mention the other incentive before Laura
3 responds to this as well, and that is the
4 other incentive for police officers to pull
5 people over, the takings law is in place that
6 we're going to be addressing very soon as
7 well, in which when cars are pulled over, the
8 can actually impound the cars and keep any
9 cars that they find drugs in so they're more
10 likely to stop the really nice cars, or
11 people they think are most likely to have
12 drugs in their possession in the real nice
13 cars which are predominantly
14 African-Americans and Hispanics.

15 MR. CLYBURN: Thank you very much.
16 Now, I understand that one or two others are
17 going to speak but we're going to be bumping
18 up the time constraints in a moment, so let
19 me, if I may, call on Ms. Christensen for
20 whatever questions she may have of this panel
21 so we can go to our next panel.

22 MS. CHRISTENSEN: I really didn't

1 have, I had a question, but I think it's been
2 pretty much answered unless anyone wants to
3 add to it. I want to thank you for the very
4 concrete recommendations that you've made.

5 My question went back to Janet
6 Reno's speech on April 15th also and the fact
7 that there were so few prosecutions, and she
8 spoke specifically about this federal
9 standard of intention that you mentioned,
10 attorney Roth, and so unless there's
11 something that can be added to explain the
12 few prosecutions, to that, and to what Ms.
13 Murphy said about the politics and the
14 funding, is there anything else that we need
15 to address in terms of why there are so few
16 prosecutions?

17 MR. YZAGUIRRE: Mr. Chairman and
18 Madam Delegate, let me remind us, as well as
19 you, that under previous administrations,
20 specifically during the Carter
21 administration, under the leader of Attorney
22 General Civiletti. He instituted a process

1 where every single U.S. Attorney's Office had
2 a civil rights contact person, a civil rights
3 lawyer. That did a great deal to make a
4 statement, a clear hard statement that that
5 Administration was not going to tolerate
6 police brutality, police abuse.

7 One of the things that you can
8 specifically do is request the Administration
9 to follow that precedent and institute that
10 no law needs to be created. That can be done
11 administratively.

12 MS. MURPHY: Your whole question
13 about prosecutions is a good one, but I think
14 it's also related to Mr. Scott's question
15 about prosecutions and I just want the
16 members here to understand that the Fourth
17 Amendment doesn't seem to apply any more in
18 the context of a car because of Supreme Court
19 decisions.

20 Whatever probable cause may have
21 existed before, it could be that it's going
22 to be up to the Congress to restore some of

1 the protections we have with regard to
2 traffic stops because of the Rend decision
3 and other areas. I think one of the specific
4 areas that we need to have a dialog with the
5 Administration on is what kinds of positions
6 it takes in these cases that go to the
7 Supreme Court where they have often times
8 been on the wrong side of the Fourth
9 Amendment and have contributed to the
10 erosion.

11 It's not just prosecutions that
12 we're looking for of police departments;
13 we're also looking for something from the
14 Solicitor General's office that the Justice
15 Department stand up for the strongest civil
16 liberties and Fourth Amendment protections
17 possible, and their track record, in this
18 administration, has not been good.

19 MR. ROTH: If I could take this
20 time, I just had a brief word in terms of the
21 federal statute. Just so it's clear what the
22 amendment, what really needs to be done here.

1 When a police officer beats up a
2 suspect, the police officer isn't thinking,
3 I'm depriving this person of his
4 constitutional rights.

5 He thinks, I'm beating this person
6 up.

7 That should be sufficient to be a
8 crime. The intent should be he intended to
9 beat somebody up or use force without
10 justification. Period. The end. Nobody
11 needs to be thinking about the Constitution,
12 and it's this requirement of specific intent
13 to deprive someone of civil rights that
14 confuses juries. It should be enough that
15 the officer acted intentionally without
16 justification for it to be a crime.

17 MR. SCOTT: Can I just follow up
18 that one, just very briefly? How do you get
19 federal jurisdiction if that's all you have?

20 MR. ROTH: The federal jurisdiction
21 comes from the fact that this is a
22 constitutional violation, but you don't need

1 to turn that into an intent requirement. In
2 other words, if somebody beats you up, if a
3 police officer beats you up without
4 justification, your civil rights are
5 violated; your constitutional rights are
6 violated.

7 There is federal jurisdiction. You
8 don't need to turn that into a specific
9 intent requirement. That's the problem with
10 this statute, which makes it effectively
11 unusable.

12 MS. MURPHY: But you could tie it
13 to the funding, federal funds and avoid
14 perhaps some of the more structured
15 requirements, so as a condition of receiving
16 federal funds, any officer on the receiving
17 end of those federal funds, whose salary in
18 part or in whole, comes from federal funds,
19 you could tie some requirements that may be
20 easy to get through constitutionally, then,
21 under 1981.

22 MR. CLYBURN: Mr. Cummings.

1 MR. CUMMINGS: Thank you very much,
2 Mr. Chairman. To Mr. Shelton and/or Ms.
3 Murphy, one of the things I've noticed, I'm
4 kind of surprised, is that, you know, usually
5 when you have hearings about these kinds of
6 issues, you hear a lot of talk about
7 recruitment of African-Americans, Hispanics
8 to the police force.

9 Haven't heard a lot of that, and
10 I'm just wondering, today, and I'm just
11 wondering how significant is it. Is it
12 important? Is it a very significant part of
13 the formula? Because, of course, in
14 Baltimore we've seen abuse by
15 African-American officers, too, now. Let's
16 be frank about this. So, I'm just curious.

17 MR. SHELTON: Let me first say that
18 I presented was rather long testimony, and on
19 page 19 of my testimony there are sections
20 that address the issue of recruitment. We
21 still see it as being extremely important.
22 As a matter of fact, in addition to the whole

1 purpose of the process of recruitment, we're
2 talking about the oversight boards need to be
3 involved in that recruitment process itself.
4 Not only are talking about is recruitment
5 around.

6 The race of the person and the
7 ethnicity of the person would also be
8 educational background of the person and also
9 any criminal checks in that person's
10 background, because what we're also finding
11 in cities, including our nation's capitol, we
12 have hired police officers without criminal
13 backgrounds that included violent activities.
14 It's absolutely important.

15 I think that in addition to the
16 importance of race, because what we are
17 seeing is the violations of our basic civil
18 rights being encroached upon by people of all
19 races, in many cases, it does have a lot to
20 do with the actual training, and then
21 actually what is taught in the streets. What
22 we're also finding is that what they're

1 trained to do, and then what that officer
2 that's given the responsibility of actually
3 teaching how to interact on the streets is
4 teaching them can be something very, very
5 different.

6 This is the nuance of how you treat
7 various people and how they look. When I
8 talked to a group of police officers in
9 Quantico, as a master of fact, about the
10 issue of profiling, they'll tell you, there's
11 nothing in my police profiling, but the guy I
12 was assigned to taught me how to profile. I
13 think that going beyond just certainly
14 addressing the issues of recruitment, those
15 people in the community, certainly people who
16 live in the neighborhoods that they protect,
17 are more sensitive and have the greater
18 sensibilities about those communities that
19 they're involved in.

20 Also they continue to live in those
21 communities, which is something that I've
22 also included in my testimony. There's more

1 of a stake being held by that person. That
2 is, if this person lives in the community,
3 then the people are going to respect him
4 because they know him for living in the
5 community. They understand the sensibilities
6 and the nuances of being in the community,
7 and therefore they're better police officers.
8 We will certainly assert those things.

9 MR. CLYBURN: Thank you, Mr.
10 Shelton. Let me thank all the members of
11 this panel: Mr. Yzaguirre, Mr. Roth, Ms.
12 Murphy, Mr. Daniels, Ms. Nwangaza. Thank all
13 of you for being with us today, and as we
14 excuse this panel and prepare for our next
15 witness, who is the Honorable Richard
16 Hankinson of the Bureau of Alcohol, Tobacco
17 and Firearms, let me recognize we're been
18 joined here by Congresswoman Eddie Bernice
19 Johnson of Texas, who is the first vice chair
20 of the Congress or the Caucus, and let me
21 thank her for being here today and see if she
22 would like to make some comments while this

1 panel is excusing itself.

2 MS. JOHNSON: Thank you very much,
3 Mr. Chairman. Let me express my appreciation
4 for you and Mr. Meeks and Mr. Rush for
5 bringing this to the forefront. This is a
6 long-time, old problem throughout the
7 country.

8 I had hearings like this in January
9 of 1973, so it just doesn't seem to go away
10 and it's kind of a problem of entering into
11 the blue uniform. What we have found,
12 however, is that education and training
13 helps.

14 But, attitudes are generally
15 developed by leadership in these police
16 departments, and that's where we need to get
17 the attention because if it's allowed to go
18 uncontrolled we continue to get what we see
19 everyday on television on the news, and much
20 of it we don't see, but it continues, and it,
21 of course, seems to be more rampant against
22 minorities, but there are others also that

1 are victims of abuse and so I hope that we
2 will look at the entire spectrum of police
3 abuse by all rather than just in the racial
4 context, although we know who the major
5 victims are.

6 I thank you very much, and I will
7 file my statement for the record.

8 MR. CLYBURN: Thank you so much.
9 We are pleased to welcome to our session here
10 today the Honorable Richard Hankinson. He is
11 the Associate Director of Inspections at the
12 Bureau of Alcohol, Tobacco and Firearms.
13 Mr. Hankinson, thank you so much for being
14 here with us today.

15 We will now recognize you for a
16 statement. I think you know the rules here.
17 The green light go and when the red light
18 comes on it's time for you start winding
19 down. Thank you so much.

20 MR. HANKINSON: Thank you,
21 Mr. Chairman. On April 6th of this year in
22 Houston, Texas, ATF agents stopped a vehicle

1 in order to execute a search warrant when a
2 weapon was unintentionally discharged, and a
3 loss of life occurred. This tragedy was the
4 first of its kind since Waco over six years
5 ago.

6 After Waco, ATF has undertaken a
7 number of steps to enhance our ability to
8 effect arrest and search warrants in a search
9 and effective manner. We have revamped our
10 special response teams, enhanced their
11 training and the training of all special
12 agents and emphasized intelligence gathering
13 in order to determine the safest manner to
14 execute an arrest or search warrant.

15 Emphasis is placed upon the
16 development of written plans describing the
17 property to be searched, any people in or
18 near the dwelling, and any weapons they may
19 have access to. Each agent's responsibility
20 in the execution of this warrant is detailed.
21 Our agents train in this process at the
22 Treasury Training Center in Glenco, Georgia,

1 as well as in practical exercises where they
2 are located. Emphasis is placed upon the
3 safety of all concerned: Law enforcement
4 personnel, as well as the people who are
5 subjects of the warrant. Our agents must
6 qualify with their weapons on a quarterly
7 basis where, again, safety is emphasized.

8 I believe the record of ATF is one
9 we can be proud of. This tragic accident
10 will certainly again remind us of the
11 absolute necessity to remain strong in our
12 commitment to the safety of all citizens when
13 we are carrying out the difficult and often
14 dangerous work concerning investigation of
15 illegal weapons in our communities.

16 I would like to spend a few minutes
17 speaking of my role and the role of my office
18 in shooting incidents or use-of-force
19 incidents. My office, the Inspection
20 Directorate, investigates all such matters.
21 I answer only to the Director and to the
22 Deputy Director.

1 For example, in Houston we were on
2 the scene from Washington, D.C., in several
3 hours and investigated the shooting in
4 conjunction with the Houston Police
5 Department and the Harris County Prosecutor's
6 office. As this investigation will go
7 before, or the results of this investigation,
8 before a Harris County grand jury, I do not
9 wish to discuss any details of this
10 investigation.

11 However, in any shooting
12 investigation, we look at all factors
13 involved to include the type of investigation
14 ATF was conducting, the preparation for any
15 search or arrest warrant executed, any
16 surveillance conducted to indicate if
17 children or other innocent parties may be
18 located where the federal law enforcement
19 activity is to be carried out, and then any
20 other matter that may reflect upon the safety
21 of the law enforcement personnel and citizens
22 in the immediate area as well as the subjects

1 of the investigation.

2 We look at written plans, any
3 alternatives that may have been reviewed. We
4 also review the qualification, or shooting
5 qualification records of the agents involved
6 and their training. We take this
7 investigation to a shooting incident review
8 board, which I chair in ATF.

9 This board is made up of five other
10 people in ATF, two high-ranking people from
11 the criminal operations division in ATF as
12 well as the Chief of Litigation from the
13 Chief Counsel's office in ATF, and the
14 Assistant Director for Training and
15 Professional Development, as well as two
16 other high-ranking people from within the
17 Department of Treasury, that is, two outside
18 personnel not from within ATF.

19 The primary issue that we review is
20 the use of force, was it appropriate. We
21 look at tactics, training, weapons, clothing,
22 and many other issues. We make a

1 determination as to the use of force and make
2 recommendations as to additional training or
3 any other needs that are appropriate. We
4 report that back to the other directors such
5 as training and the field operations.

6 They are mandated to report back to
7 me within 45 days of the action that they
8 take. I also note that an ATF strategic
9 plan, integrity, and accountability are
10 integral parts; that is, major elements, of
11 that strategic plan.

12 I personally speak to many, if not
13 all of the supervisory meetings of the
14 division directors or SACs, the deputy agents
15 in charge throughout the United States, and
16 where I also speak and emphasize the
17 integrity and accountability of any and all
18 actions, including use of force. We also
19 start this training at Glenco with our brand
20 new personnel coming aboard at that
21 particular time.

22 GAO has reviewed us in March of

1 1996. They took a look at us to compare us
2 to DEA and FBI. The report stated that we
3 are comparable to both of those agencies in
4 the process of our investigations.

5 In summary, we're sensitive to the
6 communities where we work. Our obligation,
7 our responsibility to all citizens involved,
8 and to the safety and security of all law
9 enforcement personnel. I would be happy to
10 answer any questions that you may have.

11 MR. CLYBURN: Thank you very much
12 being here, and I am going to yield now to
13 Mr. Davis for any questions he may have.

14 MR. DAVIS: Thank you very much,
15 Mr. Chairman. Let me indicate me that I
16 appreciate very much your testimony. You
17 indicated that your area of expertise was
18 investigating the use of force and the
19 circumstances surrounding that use. Does the
20 question ever come into play of how the
21 situation evolved, and what I'm asking is
22 specifically would your activity get into

1 understanding the concept of profiling as a
2 prelude to the situation that may have caused
3 them the use of force?

4 MR. HANKINSON: Yes, it does. ATF
5 does not profile people in any manner. But
6 what we do when we conduct the investigation,
7 we start out with: What case was ATF
8 investigating?

9 Could that search warrant have been
10 executed during the day rather than at night?
11 Many other factors. When is the best time to
12 execute the search warrant when the children
13 may be in school, when there are other
14 innocent people not involved or the subjects
15 of this warrant would not be in the house.

16 In the vein of other than just the
17 use of force, which is the most appropriate
18 issue that we look at, was that use of force
19 appropriate to the circumstances that this
20 investigation called for? We do look at all
21 the surrounding issues, but let me repeat:
22 ATF does not have a profile, so to speak, of

1 a subject in any investigation.

2 MR. DAVIS: Does your unit also
3 look at the question of diversity or
4 diversity training as a part, again, of
5 arriving ultimately at the conclusions that
6 you will reach?

7 MR. HANKINSON: Oh, yes. First of
8 all, let me address the question of diversity
9 training. ATF has a diversity program in
10 process. It has for a number of years.

11 In fact, there are, I believe,
12 seven or eight diverse different groups
13 within ATF that hold meetings twice a year in
14 Washington, D.C., and one was just held
15 within the last two weeks. Each assistant
16 director, including myself, is liaison to one
17 of the diversity groups, so the diversity
18 issue is directed by Director McGaw in many
19 different forums, but this is a formal
20 process.

21 Now, as far as the training, and
22 let me speak to the issues more directly to

1 the question that you had asked when we
2 conduct an investigation in any shooting, and
3 we do not as I mentioned here, this is the
4 first tragic incident, first shooting by an
5 ATF agent since Waco in over six years, we do
6 take a look at the area, the people.

7 We also take a look, on our end,
8 the people who are conducting the
9 investigation; the diversity so to speak of
10 our own personnel to this original
11 investigation because it does play a role
12 sometimes in the realm of surveillance, of
13 doing an appropriate investigation in the
14 original case.

15 MR. DAVIS: Thank you very much,
16 Mr. Chairman. That concludes my question.

17 MR. CLYBURN: Thank you. Mr.
18 Meeks.

19 MR. MEEKS: Let me ask a question.
20 Maybe the better question is: How do you
21 police yourself? In other words, there's
22 often times, I don't know if you heard the

1 testimony beforehand but it seems prevalent
2 in America today that you have a blue wall of
3 silence, so that when something goes wrong in
4 the police department, they, in effect,
5 conspire among themselves to be quiet. How
6 do you and the ATF deal with such incidents?

7 MR. HANKINSON: It's relatively
8 simple, Mr. Congressman. First of all, the
9 people in my investigative unit who carry out
10 these investigations are trained. We take
11 training outside of the bureau in order to
12 enhance our knowledge to conduct these types
13 of investigations.

14 However, when we conduct an
15 investigation, no one is permitted by
16 regulation to remain silent, and I'm talking
17 about an administrative investigation.
18 Obviously one has First Amendment, Fifth
19 Amendment rights, in a criminal case. But
20 they must talk to us so, thus, we are able in
21 each and every case to get a full review of
22 all aspects of this investigation simply

1 because they have an obligation by regulation
2 to talk with us.

3 I have been ATF since I came from
4 Justice as the Inspector General for almost
5 five years. We have never had any problem
6 with any person who did not desire to talk
7 with us. All of our agents are aware that
8 they must talk with us, and it has not
9 become, on that end then, an integrity matter
10 so to speak for someone who fails to give us
11 not only cooperation, but full cooperation.

12 MR. MEEKS: What would the
13 consequences be if they chose not to talk to
14 you?

15 MR. HANKINSON: That becomes a
16 legal matter, then, and they would be
17 directed to talk to us based on the
18 regulations at the peril of their livelihood.
19 I'm speaking legally as there would be an
20 appeal process, but very frankly they
21 couldn't remain with ATF unless they did.

22 MR. MEEKS: Thank you.

1 MR. CLYBURN: Mr. Scott?

2 MR. SCOTT: Thank you, Mr.

3 Chairman. They would have their rights in
4 criminal court but just on civilian civil
5 purposes. They wouldn't be able to keep
6 their job if they tried to hide behind, if
7 they exercised their Constitutional right in
8 criminal court, they just couldn't maintain
9 their job. Is that what you said?

10 MR. HANKINSON: They could not. If
11 this became a criminal case, obviously we
12 would have to advise them of their
13 Constitutional rights, and they would have
14 rights like any citizen. However, these
15 cases generally are not prosecuted that we
16 have had; thus, they must talk to us.

17 MR. SCOTT: You said there were six
18 years since an incident. Was that a shooting
19 or a death in the last six years?

20 MR. HANKINSON: A death. A death
21 at the hands of an ATF agent. A weapon.

22 MR. SCOTT: You've had shootings

1 before.

2 MR. HANKINSON: We do. That is
3 correct.

4 MR. SCOTT: Your job as an
5 investigator, when you use the word
6 "investigation," you're investigating
7 incidents; you're not investigating like drug
8 use or something like that ATF.

9 MR. HANKINSON: We do investigate.
10 My office investigates, the one I am
11 responsible for, the Inspection Directorate,
12 all allegations of misconduct.

13 MR. SCOTT: So, you're
14 investigating the ATF. You're not in
15 criminal law investigation.

16 MR. HANKINSON: That's correct.
17 That is correct.

18 MR. SCOTT: Could you give me the
19 number of Blacks and Hispanics in the ATF as
20 a proportion?

21 MR. HANKINSON: I'm sorry, I don't
22 have those statistics but I think we'll very

1 happy to supply them to you.

2 MR. SCOTT: Did I understand that
3 you do not tolerate profiling in ATF
4 conducting drug investigations?

5 MR. HANKINSON: Let me say this: I
6 am absolutely certain, although I am not
7 responsible for the daily operations
8 investigations, absolutely, unequivocally
9 certain there is no profiling in ATF in any
10 way, shape, or form, whether it be in, basic
11 drug investigations are not conducted by ATF;
12 that would be DEA. In criminal
13 investigations regarding firearms or any
14 other jurisdiction, arson, whatever,
15 profiling is simply not permitted.

16 I would say to this, Congressman,
17 that we also, I have another section that
18 investigates the operational, or inspects, I
19 should say, the operational and
20 administrative duties of ATF, and we do that
21 on a constant basis and profiling has never
22 been discovered at any time we have conducted

1 these inspections.

2 MR. SCOTT: Thank you, Mr.
3 Chairman.

4 MR. CLYBURN: Thank you, Mr. Scott.
5 Ms. Christensen?

6 MS. CHRISTENSEN: Thank you. You
7 talked about accountability at the end of the
8 statement. How is that done? What is the
9 process?

10 MR. HANKINSON: Accountability is
11 carried out in many different forms. For
12 example, let's say there was an allegation or
13 a complaint made against someone in ATF that
14 they mistreated a prisoner, mistreated a
15 prisoner after an arrest or during an arrest.
16 That allegation comes to me; my people
17 investigate this complaint.

18 My office does not then, as a
19 result of that investigation, make a decision
20 as to the comparability of that agent. That
21 report then goes to a separate board within
22 ATF, a professional review board. That

1 board, then, makes a decision as to the issue
2 of that complaint and makes a proposal for
3 the punishment, if any, or disciplinary
4 action, for that individual from ATF involved
5 in this particular issue.

6 But accountability also goes across
7 the board in our inspection area for the
8 ability for one to carry out the daily
9 affairs of ATF in the operational and
10 administrative area, but most importantly,
11 most importantly, in the areas of complaints
12 or allegations against ATF personnel in any
13 form of misconduct.

14 MS. CHRISTENSEN: How is the Board
15 constituted? Who appoints the Board?

16 MR. HANKINSON: The Board is
17 chaired by a non-1811 or non-law enforcement
18 officer, and I must say, in my five years in
19 ATF, before I go on, if you'll permit me,
20 this is the greatest improvement I have seen.

21 It creates parody across the board
22 for all people who have been found, I should

1 say, guilty of some form of misconduct. The
2 Board is made up, as I said, of the chairman,
3 Don Keith, a non-lawyer. It also has on, there
4 are four other people on the Board, two law
5 enforcement people and two additional non-law
6 enforcement people. Then they review our
7 investigation to ascertain if in fact that
8 individual is guilty of that complaint which
9 has been made against him or her.

10 MS. CHRISTENSEN: I think that.

11 MR. CLYBURN: Thank you, Ms.
12 Christensen. Mr. Cummings?

13 MR. CUMMINGS: I don't have
14 anything, Mr. Chairman.

15 MR. CLYBURN: Ms. Johnson.

16 MS. JOHNSON: Yes, thank you, Mr.
17 Chairman. Have you had any complaints in
18 your agency from any one complaining about
19 any brutality from the agents?

20 MR. HANKINSON: It is such a rare
21 occurrence, in my five years, it is so rare I
22 could not give you figures. In fact, I must

1 say honestly, I ran this off the computer and
2 didn't find any.

3 However, I do want to, for the
4 record, state: If there is a civil rights
5 violation complaint, that goes to Justice for
6 them to investigate. All I can say there is
7 it is very, very rare.

8 MS. JOHNSON: What do you attribute
9 this to?

10 MR. HANKINSON: I would say, again,
11 I have over 33 years in government, and
12 training. I think, first of all, there are
13 three important elements in selecting, let's
14 say, of law enforcement personnel. It is
15 recruitment, training, and supervision. I
16 think those are the three elements that speak
17 most to this, and the leadership in this
18 particular area, and I say for Director
19 McGaw, it must come from the top. It cannot
20 come from the bottom. Here in ATF, it
21 definitely comes from the top.

22 MS. JOHNSON: Thank you. I know

1 that the Department of Justice has a pretty
2 good outline for training for law enforcement
3 officials. I have called upon some local
4 police departments in my area to refer to it.
5 You're probably not aware of how often it's
6 used.

7 The reason I'm asking that is
8 because there is always a reason why
9 brutality does not occur. It's either
10 through training, instruction, whatever, and
11 when it does occur, something usually is
12 lacking and it seems to me that the lacking
13 comes with leadership and training.

14 I know you have a very specific
15 area here in the ATF, but are you aware of
16 any encouragement that is utilized throughout
17 the country when it seems there are problems
18 in various areas of the country? Do you know
19 whether the Department of Justice has any way
20 in which they encourage law enforcement
21 agencies to look in that direction?

22 MR. HANKINSON: Probably. I just

1 really wouldn't have that information to
2 that, although I worked in the Department of
3 Justice, I worked with the Civil Rights
4 Division we conducted some investigations for
5 them when I was the IG. I'm really not
6 qualified at this time to answer that
7 question.

8 MS. CHRISTENSEN: Sure. Okay.
9 Thank you very much.

10 MR. CLYBURN: Thank you. Before I
11 excuse this panelist, I'm thinking I'd be a
12 bit remiss if I don't ask you this question,
13 Mr. Hankinson: I'm from South Carolina and I
14 notice you said that you were here with ATF
15 for about five years.

16 MR. HANKINSON: Yes, sir.

17 MR. CLYBURN: Were you around ATF
18 during the so-called Good Ol' Boy Roundup?

19 MR. HANKINSON: Yes. I came to ATF
20 shortly before that information reached ATF.
21 I think maybe I was here one year, or less,
22 I'm not quite sure, Mr. Chairman. But yes,

1 the answer is that I was here when that
2 information came to us.

3 MR. CLYBURN: At the risk of
4 prolonging this beyond what I should, will
5 you please share with this panel what kind of
6 review took place and, unless I missed
7 something, I don't recall a specific
8 resolution of that matter. Would you share
9 that with us today? I think that's very,
10 very important here.

11 MR. HANKINSON: Yes, that
12 particular issue, in fact, when it came to
13 our attention, we initiated an investigation
14 into this particular, there were all facets
15 of it, it was multi-faceted.

16 The Inspector General for the
17 Department of Treasury then took over the
18 investigation from us; in fact, we conducted,
19 as I recall, 31 interviews, and they decided,
20 and I think rightfully so, because it
21 involved other Treasury agencies. If the
22 question is: What has been done to prevent

1 such an occurrence?

2 What happened was the Treasury
3 Department, in conjunction with the bureaus,
4 issued a policy thereafter that I think would
5 prevent something like this occurring or not
6 being brought to the attention of the
7 appropriate people at least, in the future.
8 If talked about the issue of attending
9 functions that may be exclusive, and that is
10 those functions that may have some imprint of
11 the agencies themselves.

12 Those particular functions that in
13 fact would be detrimental to any particular
14 group, whether it be a minority group or
15 other groups who would be, let me say, who
16 may suffer as a result of such gatherings in
17 the future. The United States Treasury
18 Department, Secretary of Treasury, put out
19 the policy, and I think that particular
20 policy is important in the prevention area.
21 Everything we talk about here in the issues
22 of brutality, prevention is the most

1 importance because.

2 I talk about prevention, what ATF
3 has done in shooting, in training, and so
4 forth. When it comes to us, it's too late.
5 I'm the first to say it: It's too late.
6 We're only investigating what happened. In
7 this particular area I think that prevention
8 has worked.

9 MR. CLYBURN: This is going to be
10 my last question, but I agree. I think all
11 of us learned at a very early age that an
12 ounce of prevention is worth pound of cure
13 and all that.

14 But the fact of the matter is, when
15 we miss on the prevention end, and something
16 like the good ol' boy roundup occurs, and we
17 know that not only were they ATF agents
18 involved, the fact of the matter is the
19 collections, the monies collected, to finance
20 that round-up, were being collected in the
21 office of the ATF on federal property. I
22 guess my question is: What's happened to

1 those people who were responsible for all of
2 that? Did we do anything? We do punish
3 people who fail to prevent?

4 MR. HANKINSON: Right. Mr.
5 Chairman, I'm familiar with the disciplinary
6 action that was taken, because my office,
7 although we don't give the disciplinary, we
8 track all of it, and all of the people who
9 attended that particular function had a
10 review of the record, that is, of the
11 investigation, what showed, their
12 participation, how many times they went, and
13 what may have occurred when they were there.

14 That was reviewed for disciplinary
15 action. I must say that appropriate
16 disciplinary action was given to each and
17 every person.

18 MR. CLYBURN: I'm going to take
19 note of the words you used there:
20 "appropriate disciplinary action." If you
21 say it was appropriate, I'm going to take you
22 word for it.

1 MR. HANKINSON: Well, thank you,
2 Mr. Chairman. Again, I wasn't responsible
3 for the disciplinary action; there's a
4 division of power here, which is only right.
5 But in my review of that, in looking at it
6 again, I did not sit in judgement, but I
7 would use the word "appropriate," Mr.
8 Chairman. I think that word "appropriate" is
9 appropriate here.

10 MR. CLYBURN: I'm going to let that
11 stand. Thank you so much.

12 MR. HANKINSON: Thank you very
13 much.

14 MR. CLYBURN: We are going to call
15 to the table now Mr. Bill Lee. I think he's
16 arrived. Mr. Lee, as all of us know, is the
17 Acting Assistant Attorney General for Civil
18 Rights at the United States Department of
19 Justice, and I want to thank him for being
20 with us today.

21 Mr. Lee, you've been through this
22 before. We are going to use our light

1 because we are going to be pressed for time.
2 So, when the green light on you start to
3 talk; when the red light comes on you start
4 winding down.

5 MR. LEE: Thank you.

6 MR. CLYBURN: Green light is on!

7 MR. LEE: Thank you, Mr. Chairman.

8 A couple of weeks ago, the Attorney General
9 of the United States gave a major speech at
10 the National Press Club.

11 She said that when we have
12 individual shootings such as involved Mr.
13 Diallo in New York, Ms. Miller in Riverside,
14 those are individual tragedies. But she also
15 referred to another tragedy, and that was a
16 loss of trust between police departments and
17 the communities they serve, including
18 communities that most need their protection.

19 In particular, in community after
20 community across the country, when there is
21 an incident in many communities, the
22 residents of those communities assume that

1 the police are at fault.

2 We all recognize that law
3 enforcement is a very difficult job, in fact,
4 one of the most difficult jobs in this
5 country. In the last ten years, almost 700
6 police officers died in the line of duty. We
7 need to have good, strong policing in this
8 country.

9 The Attorney General was concerned
10 that the loss of trust would undo all the
11 good work that community-oriented policing
12 policies that you and many others have
13 supported would be undone. By uprooting
14 police misconduct, we preserve and protect
15 the integrity of those overwhelming numbers
16 of police officers who do their job and do it
17 well.

18 I'd like to run over some of the
19 enforcement activity that we at the Civil
20 Rights Division of the Department of Justice
21 have been engaging in. At any given time,
22 the Civil Rights Division is investigating

1 several hundred allegations of police
2 misconduct on a criminal basis.

3 Since 1993, the Department of
4 Justice has criminally processed more than
5 300 law enforcement officers who've engaged
6 in misconduct, and we've obtained
7 approximately 200 convictions. During fiscal
8 year 1998, a total of 74 law enforcement
9 officers were charged with federal, criminal,
10 civil rights violations. That's the largest
11 number in the history of Civil Rights
12 Division.

13 However, our ability to prosecute,
14 to being federal prosecutions, is limited by
15 the difficult standard that we have to
16 satisfy under our statute. We have to show
17 beyond a reasonable doubt that the officer
18 acted with a specific intent to use more
19 force than reasonably necessary, taking all
20 circumstances into account. This a lot more
21 difficult a standard than local prosecutors
22 have to face.

1 I could run through some of the
2 cases that we have prosecuted, and I won't in
3 the interest of saving time. However, I will
4 point out that in Riverside County we've been
5 asked by both community advocates and the
6 district attorney to look into the shooting
7 of Ms. Tyisha Miller. We have opened file
8 and are in the process of doing that.

9 I also wanted to focus on another
10 area of our jurisdiction, which is our civil
11 pattern and practice jurisdiction. I know
12 there's been some testimony about that, and
13 I'd just like to cover some of that today.

14 Under the 1994 Crime Act, the
15 Justice Department has the authority to file
16 civil suits against police departments that
17 engage in a pattern or practice of
18 misconduct. Using that authority, we are
19 currently investigating a number of law
20 enforcement agencies across the country.

21 Those investigations may result in
22 court orders or settlements requiring police

1 officers to change the way they operate so
2 that the problems of the past are not the
3 problems of the future. Most recently, we
4 notified the State of New Jersey of our
5 intent to bring a lawsuit charging the state
6 police with a pattern and practice of racial
7 profiling. The state has acknowledged the
8 problem as a result of their own independent
9 investigation and has agreed to sit down with
10 us to try to negotiate a consent decree. We
11 are also negotiating with Columbus, Ohio.

12 We have two major settlements in
13 this area, one involving Pittsburgh,
14 Pennsylvania and Steubenville, Ohio. Those
15 settlements have involved things such as
16 better training, better disciplinary
17 procedures, better complaint procedures, and
18 one promising feature: An early warning
19 system to spot problem officers before they
20 engage in egregious misconduct.

21 We are investigating at present the
22 Metropolitan Police Department in the

1 District of Columbia. We have investigation
2 underway in New York City in conjunction with
3 the United States Attorney's Offices for the
4 southern and eastern district of New York.
5 We are also investigating New Orleans. Those
6 latter cases have to do with the use of
7 force.

8 I would like to have just another
9 seconds to cover.

10 MR. CLYBURN: Yes, you have. You
11 can take 60.

12 MR. LEE: I may take 60, thank you,
13 Mr. Chairman. We do enforcement, but the
14 Attorney General in her statement put a focus
15 on trying to reach out to community groups,
16 community advocates, and also the police
17 department. She has met separately, and I
18 have been at those meetings, with community
19 advocates and also with police departments.
20 In December of last year, we had a conference
21 about racial profiling.

22 The Attorney General and we are

1 about to have another meeting in early June
2 in which we will bring together police
3 departments and community advocates to talk
4 about what best practices we ought to have in
5 both the racial profiling and use of force,
6 and I think that's positive. Thank you.

7 MR. CLYBURN: Thank you very much,
8 Mr. Lee. We're going to try to let each one
9 of the membership have two questions, so I'm
10 going to turn the light off. I'm not ask a
11 question; I'm going to let them ask
12 questions. If they fail to get the questions
13 on my mind I'll exercise prerogatives at the
14 end of this panel. So, at this point I yield
15 Congressman Davis.

16 MR. DAVIS: Thank you very much,
17 Mr. Chairman, and Mr. Lee, let me indicate
18 that I appreciate your testimony and the fact
19 that you're here.

20 There have been several instances
21 where the Justice Department has been
22 requested to investigate patterns and

1 practices of police brutality, especially in
2 large urban areas of big cities. To my
3 knowledge, up to this point there has not
4 been a positive response in terms of that
5 kind of investigation. Could you respond
6 that?

7 MR. LEE: Mr. Davis, at this point
8 we have investigations underway, and I've
9 listed some of them, and both racial
10 profiling and the use of force. I think that
11 it's fair to say that we have a record of
12 trying to attack this problem.

13 Our statutory authority under
14 pattern and practice is somewhat new. We got
15 the jurisdiction in 1994, and it's taken
16 several years for us to get it up and
17 running. But I'm hopeful that we will be
18 able to expand that effort, particularly
19 since the Administration has asked for
20 greater funding for the use of not only
21 criminal prosecution but also the pattern and
22 practice jurisdiction.

1 MR. DAVIS: Are you suggesting that
2 with additional funding, there might be
3 greater opportunity to conduct those kinds of
4 investigations?

5 MR. LEE: Yes.

6 MR. DAVIS: The other question that
7 I have is: You indicated that the standards
8 relative to federal investigations and the
9 determination of federal statutes haven't
10 been violated are more stringent than what
11 local prosecutors sometimes come into contact
12 with.

13 Are you suggesting that perhaps
14 those standards ought to be lowered, changed,
15 viewed, or what would make it easier or more
16 likely if there's more action in that area?

17 MR. LEE: Mr. Congressman, we would
18 welcome the opportunity to work with you and
19 others on this question. The statute we have
20 gives us a kind of backup jurisdiction in
21 which state and local authorities usually go
22 first, and the federal authority has been

1 reserved for a situation when state and local
2 authorities have gone first and not done a
3 very particularly good job or there's been
4 some other problem in terms of prosecution.

5 Or, they haven't gone forward.
6 That's the kind of jurisdiction that Congress
7 has given us. When I referred to the
8 standard, I was pointing out that we actually
9 have to show a lot more than, district
10 attorney, for instance, would have show in
11 making out a case, and so it is more
12 difficult, but I believe it's fair to say
13 that Congress intended for us to have a more
14 difficult standard to bear.

15 Whether Congress would like to
16 revisit that issue is something I'd be
17 interested in talking to you about, but I
18 think it's fair to say that we have the
19 statute we have that was considered in such a
20 way to give us a more difficult standard, in
21 terms proof.

22 MR. DAVIS: Thank you very much,

1 and thank you, Mr. Chairman. I appreciate
2 the work that you have done, and I certainly
3 look forward to the time when we can take
4 that title "acting" away from your tenure.

5 MR. LEE: Thank you. I appreciate
6 that, sir.

7 MR. CLYBURN: Thank you, Mr. Davis.
8 Mr. Meeks?

9 MR. MEEKS: Thank you, Mr.
10 Chairman. Did I understand you correctly to
11 say that a pattern and practice investigation
12 has begun in New York?

13 MR. LEE: Yes. We have underway a
14 pattern and practice investigation that was
15 initiated by the eastern district, United
16 States Attorney's Office, after the police
17 officers were prosecuted criminally for the
18 assault on Mr. Louima.

19 That pattern and practice
20 investigation in which we're working with the
21 eastern district has been augmented to
22 include also the southern district of New

1 York United States Attorney's Office and
2 cover the activities of the Street Crime
3 Unit. The Street Crime Unit is the unit that
4 was involved in the incident involving Mr.
5 Diallo.

6 MR. MEEKS: Those are ongoing so
7 I'll leave it alone, unless you can tell me a
8 time frame that you're working with.

9 MR. LEE: Thank you, sir, for
10 appreciating the normal drill that we run
11 through. We will try as hard as we can. We
12 understand the importance of this issue and
13 so we are pushing both of those. They have a
14 high priority.

15 MR. MEEKS: Earlier we had a panel
16 here, and I, along with a number of other
17 members of Congress, was asking questions
18 about how can we better prosecute the corrupt
19 and abusive police officers. Did I hear, and
20 maybe I heard my answer, you saying that we
21 would either revisit the 1994 Crime Bill law
22 so that it becomes less burdensome for you to

1 prosecute?

2 MR. LEE: Congressman Davis engaged
3 me in a colloquy involving our criminal
4 jurisdiction, and it's in that context that
5 we were talking about the standard.

6 The '94 Crime Bill has to do with
7 our pattern and practice jurisdiction, which
8 is a relatively new one and that is a statute
9 that we are working on, and no one at this
10 point has suggested that we need to take a
11 look at those standards. So, it's the
12 criminal statute from 1968 that were talking
13 about.

14 MR. MEEKS: If I may, Mr. Chairman,
15 just a couple of things with reference to
16 what we did as CBC members. Earlier this
17 year, members of the Congressional Black
18 Caucus sent a letter to the Department of
19 Justice regarding the collection of racial
20 data on traffic stops. What is the status of
21 our request?

22 MR. LEE: Well, the Attorney

1 General, in that speech that I referred to
2 earlier at the National Press Club, pointed
3 out how important it was to have record
4 keeping. We had supported the version of the
5 bill that Representative Conyers put in last
6 term and we at this point have not taken a
7 formal position on the bill that's been put
8 in this year, but we are taking a very close
9 look at that.

10 MR. MEEKS: So, that's the bill
11 introduced by our colleague, Representative
12 John Conyers?

13 MR. LEE: Yes, sir.

14 MR. MEEKS: You have not taken a
15 position, the Administration has not taken a
16 position on that bill yet?

17 MR. LEE: That's right.

18 MR. MEEKS: Finally, let me just
19 ask you, what do you think of a White House
20 summit on police on police brutality,
21 something similar to what is going on in the
22 White House today with reference to youth

1 violence?

2 MR. LEE: I know that some people
3 have asked for that. I note that the
4 conference that we're going to have at the
5 Department of Justice is a summit that would
6 include many of the people who would be
7 attending a White House Summit, and I think
8 it might be useful to see how the Department
9 of Justice meeting, in which police
10 departments and community advocates are being
11 brought together with the academic community,
12 how that goes.

13 MR. MEEKS: Thank you, Mr. Lee.

14 MR. CLYBURN: Thank you, Mr. Lee.

15 Mr. Scott?

16 MR. SCOTT: Thank you, Mr.
17 Chairman. In terms of what the
18 Administration has taken on a position on, if
19 you're taking a position on the proposal that
20 you count deaths in custody?

21 MR. LEE: I beg your pardon?

22 MR. SCOTT: Deaths in custody. If

1 people die in police custody, we'd like to
2 know how many there are around the country.

3 MR. LEE: Mr. Scott, I don't
4 believe we've taken on that yet, but I'd be
5 happy to look into that.

6 MR. SCOTT: In your pattern and
7 practice in New Jersey, was the sole charge
8 profiling?

9 MR. LEE: We had been investigating
10 profiling for approximately two years.

11 MR. SCOTT: Have you been
12 investigating profiling by federal officials?

13 MR. LEE: We have a separate effort
14 underway in which we are reviewing the
15 practices of federal agencies and have been
16 reviewing practices of federal agencies in
17 this regard.

18 MR. SCOTT: Is it the
19 Administration's position that there should
20 be no hunting down of people because of their
21 race?

22 MR. LEE: The Attorney General has

1 said that there should be no racial profiling
2 by local law enforcement or federal law
3 enforcement.

4 MR. SCOTT: You're following
5 through to make sure that policy is
6 implemented?

7 MR. LEE: Yes, sir.

8 MR. SCOTT: On the federal criminal
9 jurisdiction, one of the problems that we
10 have to be sensitive to I imagine is that the
11 federal statute has to be sufficiently
12 different from a local statute; otherwise, if
13 the local prosecution is, as you said, messed
14 up, you couldn't proceed unless you had a
15 sufficiently different statute; otherwise,
16 you'd run into jeopardy problems.

17 Is that one of the reasons why you
18 have the overlay of the civil rights
19 violation as part of our federal criminal
20 jurisdiction?

21 MR. LEE: I believe that is one
22 issue, and I think another one has to do with

1 federalism and what should be the appropriate
2 role of federal prosecutions in this area,
3 and I believe what Congressman Davis was
4 asking me was whether we need to take a look
5 at that and I said I'd be willing to do that.

6 Thank you, Mr. Chairman.

7 MR. CLYBURN: Thank you, Mr. Scott.
8 Ms. Christensen?

9 MS. CHRISTENSEN: Thank you, Mr.
10 Chairman. Good morning.

11 MR. LEE: Good morning.

12 MS. CHRISTENSEN: To go back to the
13 April 15th statement, that gives us an
14 indication that the Department of Justice
15 doesn't recognize that there is a pattern of
16 police brutality.

17 The 1994 act gives the Department
18 the authority to collect data. What is
19 preventing the Department from collecting
20 data on a city-by-city basis as you seem to
21 have the authority to do that. The previous
22 panels have indicated that it needs to be

1 done. What prevents us from getting that
2 data annually on a city-by-city basis?

3 MR. LEE: I could speak to the
4 activities of the Civil Rights Division. I'm
5 not sure I'm the appropriate person to talk
6 about the Department as a whole. I know that
7 in our pattern and practice work we
8 customarily try to collect such data and we
9 rely on such data in terms of our cases.

10 MS. CHRISTENSEN: Also in the cases
11 that were brought against Steubenville and
12 Pittsburgh, there were certain practices that
13 by consent decree are they are supposed to
14 implement. Since we agree that police
15 brutality is a pattern and it's nationwide,
16 why don't we get ahead of the situation and
17 implement those same practices around the
18 country?

19 MR. LEE: The Department is
20 attempting to try to do something like that.
21 That is, in fact, one of the points of having
22 the meeting in early June, to reach out to

1 departments and also to community advocates
2 to see what points of agreement there are and
3 to see if together the Department and police
4 departments and community advocates could
5 agree on what best practices are.

6 I this respect, I'm heartened by
7 the fact that in two cities in California, my
8 home state, San Jose and San Diego community
9 groups approached local police departments
10 and they have voluntarily agreed to undertake
11 collection of data in the area of traffic
12 stops, and they've done so voluntarily, and
13 they've worked out how to do it in a way that
14 suits the needs of those communities, both
15 the Department, the police departments, and
16 in terms of communities.

17 I'm very encouraged that if two
18 departments could do that, that perhaps we
19 could have that kind of progress in other
20 communities also. But, I agree that the
21 Department of Justice should take a
22 leadership role in this, and the Attorney

1 General has said so, that she would like to.

2 MS. CHRISTENSEN: Just one brief
3 question. Since communities without having
4 some high-profile organization or person
5 helping them to bring their cases don't
6 necessarily get the attention that the need,
7 and so few cases are being prosecuted,
8 brought to trial, what do you think about a
9 recommendation that came from a prior panel
10 that, or is this already in effect, that each
11 Attorney General's office has an attorney
12 assigned to civil rights across the states
13 and territories? Would that help?

14 MR. LEE: We think it would help,
15 yes, if there were more attention brought to
16 bear on this by not only the Department of
17 Justice but State Attorney Generals offices,
18 United States Attorneys offices, and
19 localities.

20 I think that if we would all talk
21 about this in a calm way and acknowledge the
22 kinds of problems we have had, I think we

1 could work out something in terms of what we
2 need to do. We've had tragedies in the last
3 couple of months, and I think that there's no
4 way to characterize them other than as
5 tragedies.

6 But what we could do is see how we,
7 as a nation as a whole, could respond to
8 that, not just in the way of pointing of
9 fingers but in the way of moving forward
10 together.

11 MS. CHRISTENSEN: I know I've
12 already gone over my questions.

13 MR. CLYBURN: Thank you Ms.
14 Christensen. Mr. Johnson?

15 MS. JOHNSON: Thank you, Mr.
16 Chairman. Mr. Lee, we are aware that the
17 majority of the law enforcement officials in
18 this nation are very good upstanding citizens
19 which none of would want to live in a
20 community without having present.

21 However, when we do have do these
22 incidences, they really get a lot of

1 attention and they're usually very bad
2 incidences, and it takes constant vigilance.
3 But it can be turned around.

4 There is a very good program that
5 is recommended from the Department of Justice
6 for police departments and law enforcement
7 agencies around the nation. Is that
8 requested very often from you in police
9 departments?

10 MR. LEE: We are finding
11 increasingly more call on the kind of efforts
12 the department offers, whether it's the
13 citizen academies, whether it's efforts to
14 try to recruit police officers to be more
15 representative of their communities, whether
16 it's seeking funds to have innovative
17 programs or programs that encourage
18 community-oriented policing.

19 I think that we've seen a rising
20 level of interest in that area, and I think
21 it's incumbent on us as public officials and
22 I appreciate that the Black Caucus is taking

1 a lead on this to provide some answers, and I
2 look forward to working with the Black Caucus
3 on this.

4 MS. JOHNSON: Thank you very much.
5 You mentioned community policing. That has
6 worked extremely well in my community, but it
7 necessarily work around the nation as well.
8 Much of it depends on how the leadership
9 enforces and implements programs of that
10 sort.

11 Do you have any way of determining
12 the accountability once dollars go out for
13 additional police or once you fund community
14 police in areas. Do you have any kind of
15 accountability of those dollars?

16 I believe the Department does. But
17 this is not the kind of work that the Civil
18 Rights Division does. It, of course, is very
19 important to have accountability and I want
20 to reiterate the point I made earlier that
21 the Attorney General and the Department,
22 generally, is concerned that all the good

1 work that's been done as a result of the
2 community-oriented policing programs in
3 community after community faced the prospect
4 of being undone by the fact that in many
5 communities now we have severe, substantial
6 problems of mistrust.

7 If we can get beyond that, then we
8 can put the focus back on community policing
9 and make community policing work. I agree
10 with you that community policing doesn't work
11 the same way in every community. It's a
12 program that's had a substantial impact.

13 We could improve it, I'm sure, and
14 if we could focus how to do that and we could
15 make a part of that better relations and
16 better work in minority communities and
17 indeed in all other kinds of communities,
18 that would be a plus. We could end up with
19 better community-oriented policing.

20 I know that you only get in the
21 Civil Rights Division the failure of many of
22 those programs, the complaints that come.

1 MR. LEE: That's a good way to put
2 it.

3 MS. JOHNSON: Yes, but there should
4 be some correlation between where those
5 dollars go and what kinds of complaints you
6 are getting in the Civil Rights Division.
7 Have you looked at that as a whole and
8 attempted to see how those dollars are being
9 utilized in terms of implementation?

10 MR. LEE: We have been working with
11 the COPS Office, which is the
12 Community-Oriented Policing Office, to
13 coordinate the enforcement end with the
14 grants end, and we are very concerned about
15 the very issue you're raising, and we want to
16 make sure that the right hand knows what the
17 left is doing.

18 MS. JOHNSON: Thank you very much,
19 Mr. Chairman. Thank you.

20 MR. CLYBURN: Thank you, Ms.
21 Johnson. I want to thank you, Mr. Lee, for
22 being here today. We appreciate your work,

1 and I join with Congressman Davis in looking
2 forward to the day when we can remove
3 "acting" from your title. Thank you so much.
4 We're going to excuse you at this time, and
5 before we get to the next panel.

6 MR. LEE: Thank you, Mr. Chairman.

7 MR. CLYBURN: The next panel will
8 be Mr. Matthew Fogg of the Chief Deputy
9 United States Marshal's Office and Mr. Ron
10 Hampton from the National Association of
11 Black Police Officers. We're going to ask
12 them to come to the table at this time before
13 we hear from our panelists who will testify
14 as to the victims' perspective on this.

15 Thank you, gentlemen, for being
16 here with us today. We're going to first
17 hear from Mr. Matthew Fogg, who is the Chief
18 Deputy United States Marshall. Mr. Fogg?

19 MR. FOGG: Thank you very much.
20 I'd like to first start by just saying a
21 little small prayer. May the words in my
22 mouth and the meditation in my heart be

1 accepted in my sight, Lord, my strength and
2 my redeemer. Amen.

3 I give honor to the Congressman
4 Danny Daniels of Illinois, to all the
5 Congressional representatives and
6 distinguished and victims, and the audience.
7 I testify here today as an expert witness, 20
8 years-plus in federal law enforcement, United
9 States Department of Justice, and as an Equal
10 Employment Opportunity Official, and as a
11 victim myself of race discrimination. I have
12 testified and participated in federal, state,
13 and local race discrimination issues
14 involving other areas of law enforcement all
15 across America.

16 Today I remain on an injury due to
17 racism and corruption while employed in the
18 United States Marshal Service. My goal here
19 is to expose the dark side of the justice
20 system and behind the badge and also just
21 talk about the positive sides and give you a
22 sense of direction with solutions and

1 remedies to the problem how race disparity
2 within our own rank and file of law
3 enforcement simply translates to racism and
4 misconduct against our communities and public
5 outside of law enforcement.

6 We are here today because of an
7 epidemic of renegade police officials
8 stemming from the highest levels of law
9 enforcement, including federal judges,
10 prosecutors, right down to state and local
11 levels. I will not go right first to the
12 point and how this translates into police
13 brutality.

14 Recently a top New Jersey state law
15 enforcement official was fired after he
16 openly and honestly admitted to racial
17 profiling and targeting of non-white
18 motorists.

19 Rodney King was beaten by police
20 officers who were exposed on national
21 television using a baton technique that was
22 originally developed by the South African

1 Police and later taught and trained in Los
2 Angeles Police Department. The procedure is
3 you hit the victim with the baton until they
4 stop moving.

5 Abner Louima was transported inside
6 a New York police station and sodomized by
7 several police officers to the astonishment
8 of millions of Americans.

9 Seven Chicago prosecutors and
10 sheriff deputies face criminal trial and
11 prosecution for trying to convict an innocent
12 man. The charges range from perjury,
13 conspiracy, objection of justice, holding and
14 using false evidence. The victim, Rolondo
15 Cruz, an Hispanic male, spent ten years on
16 death row before being exonerated.

17 Every one of the major federal law
18 enforcement agencies that include the FBI,
19 DEA, the U.S. Customs, Immigration, Border
20 Control, Secret Service, U.S. Marshal, U.S.
21 Marshals and others are swamped with
22 substantiated Title VII race discrimination

1 complaints and unresolved class actions.

2 U.S. Customs Service is now facing
3 a multi-million dollar class action service
4 by black female travelers for profiling and
5 searches while passing through Customs.

6 Innocent black high school youth
7 was shot in the back of his leg by a white
8 deputy U.S. Marshal in New York City who
9 claimed and thought what in truth was a candy
10 bar he thought was a gun. The same marshal,
11 white marshal, was charged previously, years
12 earlier, with beating a black man in
13 handcuffs.

14 Steven Zanowick, a white U.S.
15 Marshal was given a black rubber rat and he
16 showed that rat during a Congressional
17 hearing in 1997. Many of you saw the rat
18 that he was given. He was given this rat by
19 his supervisor when he blew the whistle on
20 how racism was affecting African-Americans
21 within the United States Marshal Service.
22 That manger was later transferred and now

1 works and is the Chief of our Internal
2 Affairs Division.

3 A white U.S. Marshal put on a
4 K.K.K. hood and terrorized a black female
5 marshal in a federal building in New Jersey.
6 That United States Marshal was transferred to
7 his hometown as punishment.

8 The U.S. Department of Justice
9 officially admitted that seven United States
10 Marshals attended the famed "Good Ol' Boy
11 Roundup" in Tennessee, where signs read
12 Nigger Check Point, and many other
13 Africa-American derogatory events were
14 sanctioned. Not one disciplinary action was
15 taken against any of these individuals.

16 Documents prove 95 percent of the
17 so-called incidents of police and
18 prosecutorial misconduct can be traced back
19 to practices and procedures and the command
20 structure of the police departments. Another
21 clear example of racist behavior was
22 community misconduct at the highest levels of

1 policing in America falls under a national
2 police oversight organization called PERF.
3 PERF stands for Police Executive Research
4 Forum, and please make a note of this.

5 PERF was formed over 20 years ago
6 to maintain the highest standards of ethics,
7 integrity, and be accountable to the citizens
8 as its alternate source of police authority
9 while adopting the principles of the U.S.
10 Constitution. Today, through major federal
11 funding and grants, PERF sets the standards
12 and the most significant role in the
13 selection of police chiefs and major police
14 departments all across America.

15 Recently, Sergeant Louis Hobson,
16 former police officer of the Baltimore City
17 police department was given the right by the
18 EEO here in Washington, D.C., to sue the city
19 of Baltimore in a landmark decision of
20 finding a race discrimination across the
21 board in the Baltimore City Police
22 Department.

1 This decision alone, Baltimore
2 Police Chief Thomas Frazier is the current
3 president of PERF, who was the head of this
4 discrimination complaint. Former Los Angeles
5 Police Chief Bill Gates, Philadelphia Police
6 Chief John Timony, and Howard Schaefer, my
7 former boss, who is now the chief of the New
8 York Police Department are all active and
9 good standing members of PERF and were all
10 selected by PERF. Today each of these chiefs
11 of police are under heavy scrutiny for
12 massive police corruption and racial
13 allocations from officers within the police
14 departments and outside the departments.

15 Finally, on April the 28th, 1998, a
16 jury here in Washington delivered a landmark
17 verdict against the U.S. Department of
18 Justice, an individual case, mine. With 15
19 counts they came back. They indicated that
20 my rights had been violated, and not only but
21 every United States Marshal that's working i
22 the Marshal Service was working in a racially

1 hostile environment. We're talking about the
2 United States Department of Justice, ladies
3 and gentlemen.

4 In closing, I just want to make
5 some suggestions here of some things we can
6 do.

7 I ask the Congress here to support
8 the McDade-Murtha Bill recently passed in
9 Congress. It's called the Citizens
10 Protection Act. We must act for civilian
11 review boards on the federal level with
12 subpoena power. Baltimore just got it. They
13 got subpoena power.

14 I think we should use that as a
15 model. We should push for a passage of a
16 bill where complaints and orchestrators of
17 these crimes can be personally sued as
18 individuals responsible for the pain of
19 suffering of Title VII employed by the
20 federal government. We need to push for
21 oversight, and we need to be able to sue the
22 individuals personally that are creating

1 these crimes because the government has a
2 cap.

3 My case, a jury awarded me \$4
4 million and the government is fighting me
5 tooth and nail right today, even though all
6 the evidence was overwhelming that
7 discrimination was widespread and rampant.

8 What am I saying here today, ladies
9 and gentlemen? What I'm saying simply is
10 this: If we in law enforcement have to fight
11 bigots with badges working next to us, then
12 certainly the community doesn't stand a
13 chance, and they're going to be tagged every
14 opportunity they get.

15 I've worked with officers all
16 across America who have told me, Fogg, I
17 can't do nothing when I see these people
18 being brutalized and what's happened to them
19 because if I do something they're gonna come
20 down on me. I can't carry the ball like you
21 did, Fogg. You went 13 years.

22 I've had officers tell me, I can't

1 even come in the courtroom with you, man,
2 because if they see me, then they will turn
3 around and tag me.

4 But we have to make it clear cut,
5 and this is one thing that I'm saying as an
6 officers up here, that we have to first take
7 the front on this situation and let the
8 citizens know: Against all odds we're going
9 to stand up. When we see racial incidents
10 taking place in front of us, we're going to
11 do something about it.

12 It wasn't the crooks and the
13 criminals and the robbers and the murderers
14 and all the cut throats and every type of
15 criminal you can think of. It was those who
16 were behind me gunned me down in the end.
17 Thank you, and God bless you.

18 MR. CLYBURN: Thank you, Mr. Fogg.
19 Mr. Hampton.

20 MR. HAMPTON: Thank you very much,
21 Mr. Chairman and co-chairmen Mr. Meeks and
22 Mr. Davis. It's an honor and a pleasure to

1 be here this morning, and let me say that the
2 National Black Police Association is honored
3 to just get in some remarks.

4 I wanted to sort of just make a
5 couple of comments, observations, and then
6 talk about some solutions and things that the
7 National Black Police Association has been
8 involved in.

9 The National Black Police
10 Association has been around for over 27 years
11 speaking out on police brutality, racism, and
12 the criminal justice system, and not just in
13 terms of how it impacts African-American
14 officers in the system, but more importantly
15 how those policies and practices manifest
16 themselves in the racist behavior of police
17 officers in our communities. It was noted in
18 1968 by Dr. Kenneth B. Clark, a distinguished
19 scholar testifying before the National
20 Advisory Commission on Civil Disorders.

21 He said, I read that report of the
22 1990 riots in Chicago, and it is as if I was

1 reading a report of the investigation
2 committee on the Harlem riots in 1995, the
3 report on the investigation committee on
4 Harlem riots of 1943, the report of the
5 Commission on the Watts riots.

6 I must, again, in candor, say to
7 you members of this commission, this is a
8 kind of Alice in Wonderland with the same
9 moving picture reshown over and over again in
10 the same analysis, the same recommendation
11 and underlined the same inaction.

12 I open with that because, believe
13 or not, I was a police officer myself for 24
14 years here in the District of Columbia. I
15 managed to retire. I enjoyed working here.
16 Congressperson Norton this morning brought
17 something to mind when she mentioned that the
18 crime was down and it was on the front page
19 and the police here are good.

20 I had to respectfully disagree with
21 her, because I was there and I don't think
22 that they're good. If crime is down, the

1 people in the southeast don't know it,
2 because if you were to ask them do they feel
3 any safer that the crime is down, they
4 wouldn't agree with her analysis of it.
5 Something is missing, and I'm like exhausted.
6 I'm sick and tired of being sick and tired.

7 Yes, brother Matthew has hit the
8 nail on the head. We're going to be
9 encouraging African-American officers to sort
10 of be the wrench in the machine to stop this
11 thing because if we don't, if we don't create
12 a scene in our police departments in our
13 communities, then we're going to continue to
14 be ignored like we're being ignored now.
15 Because when the Urban League met after the
16 Abner Louima brutalizing incident in New York
17 and had a press conference and talked about
18 the epidemic of police brutality in this
19 country, only to come back two years later
20 and talk about the epidemic proportion of
21 police brutality again as it happened to
22 Mr. Diallo, only to be shunned and the White

1 House is having a summit on killing of youth
2 by youth in Colorado and black people are
3 still meeting here in the small room, and not
4 having had our day, the President does not
5 intend, because there's no social/political
6 will to address police brutality in this
7 country because of who it happens and
8 continues to happen to, and that's the truth.
9 Like my daughter said, be real, Daddy.

10 Training. Are we talking about
11 training. We always hear, we want more
12 training, and the traditional police
13 organizations accept that as a reality
14 because they know that they're in control
15 with those training dollars. I want to
16 submit to you that if we're talking about
17 train and design in the same training mode
18 that they have been giving for the last 150
19 years, then it's not going to change
20 anything, only continue to reinforce the
21 brutal racist behavior of the police that we
22 continue to see.

1 If we talk about minority
2 recruitment without addressing the cult and
3 value system of policing in this country,
4 then we're going to continue to see the same
5 problem because, brothers and sisters, they
6 don't pay black officers or women or brown
7 police officers or Asian police officers.
8 The B average is on the part of their people
9 in police departments. They pay them to be
10 police officers.

11 Unfortunately in this country, in
12 America, in racist America, the description
13 of a good police officer happens to be a
14 white male who'll go out and lock up black
15 people. So, are we recruiting them so that
16 they can continue to carry out the mission of
17 America? We've seen this rare, aggressive
18 mission accomplished, thanks, in part, to the
19 1994 Crime Bill; thanks, in part, to our
20 President and his visible attack on crime in
21 this country, and he supports the police.

22 I understand the Justice

1 Department's position, but there are days
2 when I can't tell the Justice Department from
3 the Police Department because it looks like
4 they have been supporting cops and what it is
5 that cops do in our community. By and large
6 I support what Mr. Lee and them are doing in
7 the Civil Rights Division. It's more
8 aggressive and has been in the last 20 years
9 but the fact of the matter is that it's
10 enough.

11 The other thing that we're talking
12 about is individual institutional
13 responsibility. There are few cities on the
14 west coast that have gone beyond the
15 traditional legislation of responsibility.
16 They have inserted in law, in Oakland and San
17 Francisco, that when police departments and
18 the people who work for them commit criminal
19 acts and there are liability issues in
20 relationship to those acts, then police
21 officers impact on the police department's
22 ability to get their budget next year. In

1 other words, if \$28 million is the result of
2 liability settlements this year, next year
3 the \$28 million comes out of the police
4 department budget.

5 When police executives have to
6 begin to maneuver around those large chunks
7 of money coming out of their budget, then you
8 can best believe that they're going to be
9 accountable to the people that they serve.
10 We need zero tolerance for brutality.

11 I'm all for due process, and I
12 think that's important. But the fact of the
13 matter is when police officers go out and
14 commit crimes in our community, they need to
15 go to jail. They need to go to jail with
16 their due process, with their day in court,
17 but they need to go to jail. Good and bad
18 police officers, let me suggest this to you
19 all: If the analogy is true, that only 5
20 percent of the police are bad, then what do
21 we call the 95 percent that stand around and
22 watch them do what it is that they do and

1 don't do anything about it?

2 Those of you who are lawyers know
3 we prosecute people like that and call them
4 accessories. When are we going to prosecute
5 them for standing around watching police
6 brutality.

7 Let me just say this about it: At
8 a time in America where white folks are still
9 talking about officer friendly, they're
10 telling their kids that, you can go to the
11 officer and get help if you're lost; you can
12 get a ride home. You all know, because you
13 look like me, black folks are not telling
14 their children that today. Let's be real.

15 We're telling them and arming them
16 with what they need in order to be able to go
17 to their job, go to school, and get home when
18 they have to pass by the police. So, it's a
19 very different world. All of the things that
20 we're talking about in here are not going to
21 help.

22 Collection of data, we support that

1 because having been a police officer I know
2 that they are sticklers about collecting
3 data. The reason that they don't want to
4 collect data, you all, is that the data will
5 tell the truth. That's easy. The data will
6 tell the truth. That was the case in the
7 Maryland case.

8 Even though that was one of the
9 stipulations of the ACLU case, the Maryland
10 state troopers continued to document the
11 disproportionate impact on treatment of the
12 people of color because they are against the
13 power. They didn't care because they knew
14 they could continue to do it and nobody was
15 going to hold them accountable. We have to
16 have it.

17 Community-based organizing and
18 education. This is the best thing that could
19 happen to us, because it's not new but now
20 that it's happening to everybody regardless
21 what you've got a ED, a PD, or no D, it's
22 happening to you because it's based on the

1 color of your skin. It's pulling us
2 together.

3 But the other thing that's
4 happening is because technology like C-SPAN
5 and all of that, the lobbyists for the white
6 traditional police officer organizations,
7 they are planning their strategies as they
8 look at us on television of what we have to
9 move through every day.

10 Let me give you an example. The
11 white guys were talking about, at the Justice
12 Department meeting, about, we don't know if
13 we can ask people their race because that's
14 kind of offensive. We don't want to offend
15 people. So I asked him, well, do you think
16 if I'm pulled over and pulled out of the car
17 and made to lie down on the ground in a
18 puddle of water, that's offensive? It's just
19 that I haven't broken the law?

20 Twenty or thirty years ago,
21 gentlemen, nobody on the police lobby side
22 would have been talking about concern of

1 offending people. They would have just been
2 going about the business of being a police
3 officer. So, their concerned about offending
4 people; yet they offend us each and every
5 day.

6 Finally, black police officers
7 unfortunately are going to have to stand up.
8 They just can't afford to not stand up. The
9 press is going to have to be tolerant about
10 my brother talk about here. They no longer
11 are afforded the luxury of standing in the
12 back. Their paycheck, as well as their job,
13 is not based upon whether or not they go
14 along and get along, but whether not they
15 stand up and defend the rights of the people
16 they represent on the police department.
17 Thank you.

18 MR. CLYBURN: Thank you very much,
19 Mr. Hampton. Let me have some a rapid fire
20 round of questions here because as you know
21 we have another panel that we've got to go
22 to. So, let me yield to Mr. Davis.

1 MR. DAVIS: Let me just be very
2 brief, given the fact that we have to get out
3 of the room at a specified time. But let me
4 just first of all commend both you gentlemen
5 on your testimony, and also for the courage
6 of your conviction and the willingness, even
7 as members of a fraternity, for the courage.
8 So the one question, and you probably, there
9 isn't even time to answer it, but of all the
10 things that we've heard, talked about, is
11 there anything that you think would be most
12 effective in helping eradicate this problem?

13 MR. FOGG: I would certainly I
14 would think in law enforcement it would be
15 the civilian review board. Certainly law
16 enforcement officers, and we've proven that
17 in the Justice Department, right now, as a
18 matter of fact, civil rights attorneys right
19 now are filing a class action.

20 The bottom line, what we're finding
21 is that inside these agencies they cannot
22 police themselves. It's sad to say, but

1 that's just the way it is. So we believe
2 that the first thing we should work on, and
3 that's why I was concerned about this McDade
4 Murtha bill because this is supposed to be a
5 citizens protection act.

6 Now, it was passed in Congress,
7 once again, I don't know all the ins and outs
8 of it, but I think it's a beginning when you
9 talk about a citizens protection act.

10 MR. CLYBURN: It passed the house.

11 MR. FOGG: It just passed the
12 house. But it is a step forward, and I think
13 that's a step in the right direction.

14 MR. CLYBURN: Mr. Meeks?

15 MR. MEEKS: I want to join Mr.
16 Davis in saying thank you for your courage
17 and your strength. I know that there's a
18 number of officers in New York City who've
19 indicated that they would like to testify if
20 they could get federal immunity because of
21 some of the activities that took place while
22 they were on duty.

1 But my brief question would be to
2 Mr. Hampton. In your testimony, you
3 indicated that if we relied upon training as
4 currently training place in the police
5 department that we'll be going nowhere. What
6 recommendations and what reforms within the
7 training of police officers would you
8 recommend from being inside?

9 MR. HAMPTON: Thank you, Mr. Meeks.
10 First of all, let me say this: I'm going to
11 submit for the record copies from testimony
12 over the years and other stuff that we've
13 been involved in because I know that you all
14 are going to be working on this for a while,
15 so I'll get that to your office.

16 But, let me say this: For example,
17 the Street Crimes Unit in New York City.
18 They pull those guys out, put them in
19 uniform, send them to diversity training,
20 sensitivity training.

21 So there was an article in the New
22 York Times about those guys sitting in there

1 with their arms crossed, their legs folded,
2 just paying attention, because they know that
3 they can just go through it and then go back
4 out on the street and do whatever they want
5 to do.

6 The system even said, well, we're
7 going to put them in uniform. Now, you're
8 from New York. I would tell you that 90
9 percent of the abuse that has taken place in
10 the black and brown communities in New York
11 City have been what, police officers in
12 uniform. So, what is a uniform going to do
13 to the Street Crimes Unit if they want to
14 abuse people. Be real.

15 What I'm suggesting is it goes all
16 the way back to who recruit, we recruit them,
17 what we want them to do. For example, we
18 want people to be police in the spirit of
19 service. If we talk that rhetoric, then the
20 training has to be commiserate with the
21 rhetoric. But what we do is recruit people
22 in the spirit of service, so we train them to

1 be cops that's going to chase people and play
2 robbers when that's only about five percent
3 of the work.

4 The training as well as the
5 education ought to be around, developing an
6 individual who's going to take pride in going
7 out to provide a service to the people and
8 not see that as a belittling part of police
9 work. It takes not just the time that they
10 spend in the police academy, but the
11 promotion, the award system, the recruitment
12 process, the whole nine yards. That's not
13 difficult to do, but what that does is, for
14 example, in the area of community policing,
15 we haven't really touched on that.

16 Community policing has become
17 political, so when you have a political
18 solution to a problem, you can't have a
19 failure because no politician wants to say I
20 failed. But community policing in this
21 country is failing. I'm telling you, because
22 we're not doing it because if community

1 policing were working, it would work for the
2 least of us.

3 Because policing works for the
4 other community; it always has. If it's
5 going to work, it has to work for the least
6 of us. Those are sort of basic, fundamental
7 things that we get into, but we have to be
8 willing to go down and dig deep into the
9 psychic of this policing strategy in our
10 country.

11 MR. CLYBURN: Thank you, Mr.
12 Hampton. Mr. Scott?

13 MR. SCOTT: Thank you, Mr.
14 Chairman. I want to join in the compliments
15 for our two witnesses. I won't ask any
16 questions. I would like to follow up after
17 the hearing on the status of all of the
18 cases, with your case, Mr. Fogg; the other
19 case, the EEOC case that was mentioned; and
20 the other lawsuits that have been filed.

21 MR. CLYBURN: Thank you, Mr. Scott.
22 Ms. Christensen.

1 MS. CHRISTENSEN: Thank you. I
2 want to thank you also for coming forward,
3 and I know that this is not the first time,
4 that you all have been fighting this for a
5 long time. The wall of silence and the
6 retribution against the police officers that
7 make you step forward and speak out, this is
8 the kind of environment you're saying we have
9 to change before we can even bring, encourage
10 people of color to join the police force.
11 How do you recommend we rectify that
12 situation?

13 MR. FOGG: Something I thought
14 about as Ron was just speaking. Remember, I
15 spoke to you about PERF, this Police
16 Executive Research Forum.

17 This is very important because
18 these are the people that make the
19 determination on who are the chiefs of police
20 in this country. Now, these people are
21 receiving controlled funding, so what we do
22 is we just cut the federal funding off. You

1 understand what I'm saying?

2 That's No. 1 because you've got to
3 start with the heads of these departments. I
4 mean, when we look at the different chiefs of
5 police, for example, Howard, say, came from
6 the United States Marshal Service. We had
7 racial problems when Howard Schaefer was at
8 the U.S. Marshal Service.

9 Now he's in New York, and to give
10 you an example, they just had, I don't know
11 if you saw this on TV: About two weeks they
12 had hearings in New York where the police
13 officers brought a young lady, at the time we
14 didn't know it was a woman, they had her all
15 covered up with a bag and she was completely
16 duck-taped and you didn't know what it was.
17 You just knew it was a human being. Now,
18 it's really sad day when we getting law
19 enforcement.

20 I'm a United States Marshal. We
21 handle witnesses all over the world,
22 witnesses that are afraid to testify. I can

1 understand organized crime, but not bringing
2 a police officer into a public forum, and the
3 police officer with a bag on her head and
4 everything, and then when it's safer and they
5 find out who she was because she was
6 testifying to the improprieties and all of
7 the illegal that the officers were doing in
8 her unit when she, according to New York
9 police law, you're not supposed, of course,
10 to testify unless you get approval from your
11 ranking officials.

12 When they found out the next day,
13 who she was, they fired her. Now, that's a
14 big thing in New York, but the point that I'm
15 making you is that's telling me right there
16 these commissioners need to be held
17 accountable. Frazier, his chief, this guy is
18 head of PERF, so what we need to do, just
19 cutting it as short as I can, we need to
20 target PERF and cut those federal funds out.
21 That's one step.

22 MR. CLYBURN: Thank you, Mr. Fogg.

1 Ms. Johnson?

2 MS. JOHNSON: Thank you very much,
3 Mr. Chairman, and thank to both of you. I
4 have a number of questions.

5 I'm going to defer it now because
6 we have another panel, but I would like to
7 get your cards so that we can work together
8 in attempting to address this whole thing. I
9 have a note here. We're limited in time.

10 We have another panel that we want
11 to hear, but what you're saying is ongoing,
12 so I'd like very much to work with you.

13 Thank you, Mr. Chairman.

14 MR. CLYBURN: Let me thank both of
15 your for being here this morning, and thank
16 you so much for being so forthcoming, and
17 thank you for all the work you've done over
18 the years. I have been in close contact with
19 much of your work, and I want to congratulate
20 you for what you've done and thank you so
21 much for being with us today.

22 We'd like now to call to the table

1 the panel that is going to share with us the
2 perspectives of victims in this issue, so let
3 me ask Mr. Diallo, Ms. Dorothy Elliott, Ms.
4 Loretta Geddie, Emu Getachew, Mr. Clarence
5 Patton, the Honorable Walter Fauntroy, Ms.
6 Herlema Owens.

7 Thank you very much. As is often
8 the case with these kinds of hearings, the
9 last panel sometimes gets squeezed on the
10 time, but we are going to let each one of you
11 testify. We are going to tell you, when the
12 green light comes on, of course, is when you
13 begin; the red light, please take on about
14 ten seconds to wind down after the red light
15 goes on.

16 Let me thank our former colleague,
17 the Honorable Walter Fauntroy, for being here
18 today. He now heads the National Black
19 Leadership Roundtable, and he's been working
20 on this issue very hard. He's been up here.

21 I want all of you to know that
22 Walter has been beating up on us for weeks

1 and months about coming to this hearing. We
2 finally got through these other hearings, and
3 now we can focus our attention on this. I
4 want to thank you so much for being here,
5 Mr. Fauntroy, and I now yield to you if you'd
6 like to begin.

7 MR. FAUNTROY: Thank you,
8 Mr. Chairman. I will not plead for whom
9 there will be no peace. No peace. Until
10 there's justice. I just want you to hear
11 why.

12 MR. CLYBURN: Ms. Dorothy Elliott,
13 we're going to ask you to begin.

14 MS. ELLIOTT: Good afternoon,
15 distinguished members of Congress and others
16 who are here. I'd like to say a special
17 thanks to Representative Bobby Scott who,
18 from the day after my son was killed, called
19 on the FBI to investigate the case of Archie
20 Elliott III.

21 If you can visualize this young man
22 being searched by a police officer, who was

1 pulled over initially because the car was
2 weaving and a young man who wore no t-shirt,
3 had on only shorts, tennis shoes, and no
4 socks, who was subsequently searched. My son
5 cooperated with the officer, and at some
6 point he was placed in the front seat of a
7 police cruiser, which we understand is not
8 usual according to police procedures.

9 The window also was dark tinted
10 that he was sitting in the cruiser and of
11 course the windows were rolled up. He was
12 seat-belted in the car, backup came, and the
13 backup stood talking to the initial officer
14 who alleged that my son had pointed a handgun
15 at them with his hands still cuffed behind
16 his back.

17 I've counted in my mind so many
18 times 22 bullets, just counted from 1 to 22,
19 and of those 22 at least 14 of them struck my
20 son. I say that was very inhumane. It was
21 barbaric, and no one has been accountable.
22 We're talking about accountability.

1 You have Megan's Law, a young white
2 girl who was murdered. There are other laws
3 that have been passed when Whites have been
4 brutalized and murdered, but why can't there
5 be an Artie Law, a law that says any police
6 officer who brutalizes and murders someone
7 who is handcuffed should not be indicted.

8 We are still looking for
9 accountability that has not occurred in my
10 son's case. It will be six years this coming
11 June 18, 1999, that my son was killed. We
12 have gotten no justice in Prince George's
13 County, and you talk about police departments
14 and their training. I.

15 Will never forget the day after my
16 son was killed when they stated the reason
17 our son was shot so many times was, well, the
18 police officers are trained to shoot until
19 the threat no longer exists. I'll repeat.

20 They are trained to shoot until the
21 threat no longer exists. Can you tell me
22 what threat my son posed to those two

1 officers when he was intoxicated. He had to
2 lean on the trunk of the cruiser in order to
3 stand up, well, to sort of balance himself.

4 People who saw the initial pullover
5 said my son cooperated with the officers. He
6 did not resist arrest. Let me tell you there
7 will be civil disobedience if something isn't
8 done about this. I agree with you about
9 Clinton holding hearings for these people who
10 were killed in Littleton, Colorado. Why
11 haven't they listened to us?

12 My son's life had value; it still
13 does; and I intend to be the voice for him as
14 long as I can. I have been arrested twice
15 and thanks to the efforts of Reverend Walter
16 Fauntroy, that someone is listening to us.
17 Someone has finally started listening.

18 The sleeping giants in Prince
19 George's County have awakened, and that means
20 the average citizens are beginning to say,
21 well, that was wrong. It should not have
22 occurred.

1 They are continually asking, what
2 happened to the police officers?

3 Well, I'll tell you what happened
4 to one of them. He went on to kill a second
5 time. Twenty months after my son was killed
6 he again was the backup officer. Other
7 officers were on the scene when my son was
8 killed, but only Chaney and Levitz saw fit to
9 shoot because they said their lives were in
10 danger.

11 In the second instance, only one
12 bullet was fired, and this, again, was
13 Chaney, the backup officer. Again, he was
14 not indicted. So, why can't cops be held
15 liable when they commit a crime?

16 You call it a tragedy if you wish,
17 but I call it murder, and murder is what it
18 is. I don't see how any sane person can say
19 that, well, they were doing their jobs, or I
20 thought he was reaching for a weapon, or even
21 the Justice Department can say, it's
22 non-prosecutable. Why is it that way?

1 Again, if it had been a
2 congressional aide who had been killed, the
3 Police Department and the legal system would
4 have spared no expenses, no manpower to hunt
5 down the perpetrator. Again, are you placing
6 more value on a white life than you are on
7 someone who is minority?

8 I will say, too, that because we're
9 not rich, my son, if he had, if the situation
10 had been just the opposite, would not have
11 had ten days in which to respond or make a
12 public statement. Also, you have the rich
13 family of JonBenet Ramsey. Those parents
14 have dictated to the prosecutors what
15 questions they are going to answer.

16 They have even determined that they
17 may not ask the questions, and also in the
18 Littleton case, I believe it was the Harris
19 family who said, we aren't going to say
20 anything until you grant us immunity. Isn't
21 there a double standard somewhere.

22 We ought to go to the White House,

1 go to the United States Supreme Court, go to
2 the Justice Department. We've been there
3 several times, and I'm becoming very
4 frustrated with all these meetings that seem
5 not go anyplace. I have spoken in so many
6 places around the country, and I've just
7 told, even the police department when they
8 were going through their accreditation
9 process, they invited who they wanted to
10 speak.

11 I only found out about it because
12 of a little article in the local Prince
13 George's Journal that says there is a meeting
14 that will deal with the police accreditation
15 for Prince George's County. Just myself and
16 another friend were the only two people there
17 who talked against the police department, and
18 I have said there has been no justice in my
19 son's case.

20 You're going to continue to hear me
21 talk about it until there is some justice,
22 and I will be locked up again. Can't afford

1 to pay the price we're supposed to pay
2 monetarily, but maybe somebody else can join
3 us because it still seems like no one is
4 listening. There is no greater pain than to
5 have your son not coming home again. There's
6 no greater pain in knowing that his life was
7 snuffed out so quickly and still nothing has
8 been done.

9 I know there are mothers and others
10 who know what it's like because they've been
11 through it, but to the average citizen, we
12 need your help. Don't just sit there and
13 make policy. Try to help us out and make
14 sure that there is accountability for crooked
15 cops or killer cops, because that's what they
16 are.

17 MR. CLYBURN: Thank you, Ms.
18 Elliott. Thank you. I assure you that we
19 invited you here today so that we could in
20 fact listen. Ms. Getachew?

21 MS. GETACHEW: First and foremost.
22 I'm sorry, I'm a little bit emotional I

1 think. It's finally a toll over me.

2 My name is Emu Getachew. I'm the
3 immediate oldest sister of Anteneh Getachew,
4 who was shot and killed by an off-duty police
5 officer in the Washington, D.C., area on
6 October 14, 1995. Anteneh left the house at
7 2:30 in the morning after having his last
8 supper with me, and since I had made a
9 traditional meal, which we are originally
10 from Ethiopia.

11 He was complaining over the oily
12 end of it, making fun of me why I wouldn't
13 lose weight because I was putting a lot of
14 oil in the food, so when he was taking a nap
15 and I personally woke him up from the couch
16 and asked him to retire to his bedroom, he
17 walked out of the door and I looked at the
18 time and I said, it's 2:30 in the morning.
19 Where are you going?

20 There is a 7-11 across the street
21 from where I was living then. So I had
22 assumed he just gone out to get something for

1 his troubled stomach or something. The next
2 morning nobody checked up on his him because
3 his door was locked, so on Sunday morning we
4 got a call from the Arlington Police
5 Department because we do reside in Virginia,
6 and we were told that he was shot and killed
7 by an off-duty police officer while he was
8 trying to stab a woman in northeast
9 Washington, D.C.

10 We asked him, when was this?

11 They told us it was the time that
12 he had left the house. My brother had died
13 within one hour of leaving the house. He was
14 shot, stabbed several times, and killed. The
15 case was closed the next day, which it was
16 the 14th morning the police had all their
17 witnesses, their documentation, and nobody
18 had called us or told us what had happened to
19 him.

20 It took us exactly three years,
21 seven months, and twenty-six days today since
22 he had passed away, and we have been trying

1 to do everything. As you can see, I'm not
2 only a minority but also a foreigner, an
3 immigrant, an alien, anything you can name it
4 I've been called.

5 When I wasn't strong enough to
6 fight this thing, but we have collected close
7 to 30,000 signatures from our community,
8 collected close to \$20,000 for his legal
9 fund, and we have a case pending. The civil
10 case is pending. Interestingly last weekend,
11 last week we were at the trial hearing and I
12 saw the ugliest sight of the American justice
13 system.

14 It enough that he was killed once,
15 but he was killed again in that room and we
16 were told basically that he did not worth
17 anything because he didn't have no saving
18 while he was living, that he was just an
19 artist and was working as a indigent so it
20 didn't really matter because he was not human
21 enough to ask for anything.

22 What we can get out of that court

1 system was \$1500 for his funeral service even
2 though we had spent over \$9000 for his
3 burial. This is their own documentation.
4 "According to the police record, Anteneh was
5 three to five feet away when the police
6 officer fired six times, hitting him four
7 times." The wounds Anteneh sustained says
8 otherwise.

9 There was no wound or bullet holes
10 on his upper torso. All his wounds that he
11 sustained were to his side, his hand, and his
12 buttock. Anteneh was also stabbed several
13 times. According to police records testimony
14 from this alleged woman, she had told the
15 police that the knife was hers and she had
16 stabbed my brother several times for a \$20
17 bill, which she agreed that Anteneh agreed to
18 join her in purchasing some liquor from an
19 after hour liquor store, where in fact my
20 brother had never done drugs, never had a
21 glass of wine, nor has he ever been in
22 trouble before.

1 He left his home at 2:30 in the
2 morning to steal \$20 from a woman and get
3 stabbed. That is the justification that was
4 given to us by the police department.
5 According to the police report there was no
6 alcohol or drug found in his system. Anteneh
7 never, never again I say, had every had any
8 problem with alcohol, drug, or smoking even a
9 cigarette.

10 To this date, nobody has found
11 accountable for stabbing my brother Anteneh.
12 Nobody was found accountable again. The
13 District Attorney office had refused to
14 charge this alleged wrong doing. There
15 whereabouts of this alleged woman is still
16 unknown. The autopsy was performed in the
17 presence of police officer making the last
18 decision for him after murdering him, taking
19 the last opportunity the family had to say
20 their goodbyes.

21 Though my brother was an organ
22 donor because my father was an organ

1 recipient in 1992 and we had all signed to be
2 an organ donor, the body was returned to us
3 with missing torso, no organs, and no skin to
4 his body, and I want somebody to tell me what
5 had happened to the organs of my brother
6 because obviously the American Organ
7 Association did not receive any tissues or
8 body parts from my brother.

9 At the end, all I have, I want to
10 say is that I thank you for listening to us.
11 I continue to fight this fight. It's a fight
12 not just for one family, but it's a fight of
13 my community. I hope this does not happen
14 again to the immigrant community, who has
15 worked very hard to sustain a life in this
16 country.

17 Let me tell you a story. The
18 reason that I was brought into the United
19 States was because my parents were in fear of
20 injustice that was happening in my country,
21 and a long time ago the old government used
22 to track families for bullets that was shot

1 to their loved one's body.

2 This is exactly what the so-called
3 great nation of justice is doing to this
4 family. I will continue to fight, and I'll
5 continue to follow the proper channels as we
6 have done from the beginning of the case.
7 Thank you for listening.

8 MR. CLYBURN: Thank you, Ms.
9 Getachew. Ms. Herlema Owens.

10 MS. OWENS: I'd just like to start
11 off by saying give an honor to God. It's a
12 sad day in affairs that we're all sitting
13 here for the same purpose. I'd like to give
14 my congressman a thank-you for being a part
15 of this cause. It's a rough thing in New
16 York, as you know, I am a victim of police
17 brutality and I could sit here and bash the
18 New York City police to no end, but that's
19 not what I'm here for.

20 I'm here hoping that at some point
21 this will all change and that I do not have
22 to worry for what is now my 14-year-old son

1 and my 13-year-old daughter. Every time my
2 son walks out through the door, I wonder
3 whether or not he's going to come back, and
4 if he's stopped what is he going to do? In
5 New York, there's a book called The Little
6 Black Book and young men have to carry that
7 book in order to realize and recognize what
8 to do when they are stopped by the New York
9 City Police.

10 My plight is I came out to assist
11 the police in my community of 113th Precinct
12 with a child from our community that should
13 have recognized me if not as a friend but as
14 a neighborhood to him. In doing that I got
15 the permission of an officer to assist him in
16 calming a young boy down, and in doing that I
17 was able to calm this young boy down and make
18 it easier for them to deal with him.

19 Now, this happened on October 31st,
20 1992, and at that time, it being Halloween
21 and early in the evening, I'm quite sure that
22 if he'd made it to the police station, and

1 that's again if he would have made it to the
2 police station, his parents needed to know
3 where he was immediately.

4 At that point I asked to assist
5 them, and they gave me permission to assist
6 them. No sooner that he was calm and they
7 took him back into their own control, I was
8 accused of kicking an officer. When I
9 refused to hear that and walked away with no
10 words other than I didn't kick you and walked
11 away into my driveway, because, mind you, all
12 of this was happening in front of my house.

13 When I made it my business to walk
14 away from him and turn my back to the
15 officer, I was then put in a choke hold and
16 drug 25 to 30 feet in my property line. My
17 property line is 60 by 100. Twenty-five feet
18 is a long ways to be dragged and pinned up
19 against a fence and then beaten with a night
20 stick by their company officer and then also
21 pulled off by the back of officers and thrown
22 to the ground and stomped unconsciously and

1 that my first time in a pregnancy I was lost.

2 So, I am really hurting today
3 because I tried to bury these feelings. My
4 pains will never go away. But to see this
5 that this sort of thing still happens in New
6 York, to see this sort of thing still happens
7 around the country and that there is nothing
8 being done except for small hearings like
9 this.

10 There's got to be a change, and
11 it's got to be effective immediately. Part
12 of that change is by making police live where
13 they work. If they live next door to me,
14 believe you me they would have never beat me
15 like they did because they would have known
16 me. They would have know what kind of person
17 I was. They would have known what I meant to
18 my community and what my community meant to
19 me.

20 They would have known what it would
21 have meant to me to be called out of my name
22 and to tell me that my children, who were

1 then 4 and 5, were going to learn what they
2 have to do without their mother at this
3 particular time, because it didn't matter to
4 them that my children were left in the house
5 by themselves. Just that. They were taking
6 another B to the police station. That's it.
7 That's all that mattered.

8 The other thing is I did serve time
9 for that. I had to spend the night in jail.
10 Although I was to assist them, when we went
11 to court it was told by the officers that
12 they did give me permission to assist them.
13 I was still charged with five charges. The
14 typical charges, of course: Interfering in
15 government administration; resisting arrest;
16 harassment. Oh, that was given to me after
17 everything was all said and done. That was
18 an added charged. I harassed them.

19 Mind you the countless times they
20 ran up in my yard in the middle of the night
21 and I had to get someone to stay at my house
22 because I was too afraid to stay in my house

1 by myself with my children. Mind you the
2 times that I drove down my block that I was
3 being watched and stopped in my car because
4 they felt the need to continuously harass me,
5 but I'm charged with harassment.

6 Along with everything else that I
7 was charged with, it's an insult that they
8 are not charged for doing the things that
9 they do any time that I stayed in braces for
10 two years and mentally distraught right now
11 from this sort of thing that they can get a
12 chance to change locations? That's all they
13 get? They get the opportunity to change
14 locations? To another precinct? To the same
15 thing over and over and over again? This
16 should not happen.

17 Yes, they should be arrested. They
18 should be held accountable for what they do.
19 In the case of the Diallo, you need to go
20 through a trial to realize that 19 shots out
21 of 41 is what it takes? They should be
22 allowed to walk the streets with that? Had

1 it been my brother to shoot anybody, he goes
2 to jail without question. He didn't have to.
3 These cops should be charged, in New York
4 especially. I see my time is up.

5 MR. CLYBURN: Thank you, Ms. Owens.
6 You've given us an insightful segue into Mr.
7 Diallo.

8 MR. DIALLO: Thank you very much.
9 I was delighted to be here in front of the
10 Congress. On behalf of Diallo family and
11 community, of the police brutality, the
12 family of Amodou Diallo, I want to thank the
13 Congress officially for giving me this
14 opportunity to speak briefly concerning the
15 tragic and unjust police murder of my son
16 Amodou Diallo.

17 I have been escorted here today
18 with the help of the national Islam minister
19 Benjamin Mohammed. He is a company man.
20 Also the ambassador, excellency Mr. Mohammed
21 Ali, to express my feeling what happened to
22 my son on February the 4, 1999.

1 After midnight on February 4, 1999,
2 four police on plainclothes, plainclothes
3 police officers of the New York City Police
4 Department shot and killed Amadou Diallo, my
5 son, without legal cause. I.

6 Am Muslim. My family is Muslim.
7 We are obedient Islam and reverent as well as
8 my son. He's never involved any smoking or
9 alcoholic. It's always about his daily life.
10 We all believe in Allah and we all want
11 justice in this case.

12 The four police officers named
13 Kenny Boss, Jr.; Sean Carroll; Edward
14 McMellon; and Richard Murphy. They fired 41
15 shots; 19 hit my son Amadou Diallo. Was
16 unarmed and was very law abiding. He
17 believed the Muslim law of Islam, who worked
18 very hard and who never had a problem with
19 the law.

20 Amod was a peaceful young child,
21 and he did not deserve to be murdered by
22 these four white police officers. My family

1 and I are from West Africa. All of Africa is
2 looking at the United States to see if there
3 will be justice when an African is killed in
4 this way, unjustly by the New York police
5 officers.

6 We want justice. We want peace.
7 We want respect for our life our children.
8 No father and no mother will want to see
9 their son murdered this way. This police
10 should protect the people and should not
11 commit crimes themselves against the people.
12 We pray to almighty Allah for guidance and we
13 pray to Allah for justice.

14 The police officers have now been
15 indicted for murder. But, today these four
16 police who have been indicted, police
17 officers, are still working full time with
18 full salary. This is unfair and this is not
19 right. I hope that you, the Congress of the
20 United States, will do something to change
21 this injustice. I want justice for Amodou
22 and I want justice for all of the victims of

1 police brutality. This particularly tragedy
2 has an international repercussions of my son
3 death. The rights of my family have been
4 violated and disturbed. The soul and the
5 heart of my family is seriously in this
6 issue.

7 Today, this problem of police
8 brutality appears to be getting worsened. We
9 therefore appeal to you to help us get
10 justice for all. My family and I want
11 justice. May Allah answer our prayer and our
12 wishes. Thank you very much for giving me
13 this opportunity to speak to you at this
14 important hearing.

15 MR. CLYBURN: Thank you very much
16 Mr. Diallo. Ms. Geddie.

17 MS. GEDDIE: Good afternoon. My
18 name is Loretta Cooper Geddie. I am the
19 mother of Joseph Cooper, Jr. Please bear
20 with me. Every time Mother's Day come around
21 I know there's, my son has been dead now for
22 three years and six months. On Saturday,

1 November 11th, 1995, between 10:30 and 11:30
2 p.m. near our Robert F. Kennedy Memorial
3 Stadium in Washington, D.C.

4 21-years old was beaten and shot
5 numerous times by Sergeant Gerald Neil of the
6 First District here in Washington, D.C.
7 Sergeant Gerald Neil was off duty. He was
8 riding in an unmarked police car near the RFK
9 Memorial Stadium about 10:30 that night.
10 According to The Washington Post newspaper in
11 the Crime and Justice editorial on November
12 13th, 1995, it stated, "An off-duty police
13 officer kills unknown attacker near RFK
14 Memorial Stadium."

15 Sergeant. Neil claimed that my son
16 was standing in the street and he looked like
17 he needed help. He further claimed that he
18 identified himself as a police officer, which
19 brought about an attack on his person by my
20 son. A struggle ensued, where his weapon was
21 drawn and eventually fired, striking two
22 times. A number of ribs and bones had been

1 broken from the fight, and marsication around
2 the skull. I did not receive any
3 notification from the police department or
4 the high school for three days. I repeat:
5 It was three days! Attempts had been made to
6 acquire assistance to no avail. The death of
7 my son has been written off as a good shoot
8 by all parties of concern.

9 Also, given me the opportunity to
10 speak, my daughter when she was the age of 8
11 years old wrote a letter which was published
12 in Afro. I sent it out to different people.
13 I think you, Eleanor Holmes. Your office
14 sent a form letter to my 8-year-old girl,
15 which she stated was to describe what she
16 felt that when a person killed they should go
17 to jail, even if was a policeman.

18 Also, my daughter who's now the age
19 of 12, which I accidentally found. It was to
20 the Chief of Police and to Mayor Williams
21 asking for her twelfth, when she turned 12
22 years old if they could just reopen her

1 brother's case because he was a good person.
2 My son is one of those that's in the
3 Washington Post that Ramsay, the Chief of
4 Police is supposed to be investigating.

5 Again, my letter is short because
6 my heart is very heavy right now. But I
7 think you all for allowing me the time to
8 present this matter. Thank you.

9 MR. CLYBURN: Thank you, Ms.
10 Geddie. Mr. Patton.

11 MR. PATTON: I just wanted to take
12 a few minutes and talk about kinda the other
13 side of this, what happens when police
14 actually don't even do what they're supposed
15 to do, but first I want to say how I honored
16 I was as both an individual and a
17 representative of my agency and communities
18 to be here today.

19 The New York City Gay and Lesbian
20 Anti-Violence Project is a crime victims
21 assistance agency, and we serve lesbian, gay,
22 bisexual, transgender, or HIV-positive

1 victims of biased-motivated violence,
2 domestic violence, rape and sexual assault,
3 police abuse and misconduct, and other forms
4 of victimization. Police abuse and
5 misconduct affects our community in two ways.

6 The first is the failure to provide
7 appropriate services to the community. We
8 see too many instances of officers refusing
9 to take complaints from lesbians and gay men
10 when lesbians and gay men are the victims of
11 biased crimes. The police often fail to
12 classify them as such.

13 Additionally, when lesbians and gay
14 victims of domestic violence call for police
15 assistance, police officers often don't have
16 the training or the willingness to make
17 proper assessments of who is an abusive
18 partner. As a result, victims are often
19 threatened with dual arrests. Victims are
20 also often laughed at.

21 Men are asked why they can't defend
22 themselves and the women are often sexualized

1 by officers. When dual arrests have been
2 made, we've received reports of both victims
3 and batterers even being locked up in the
4 same holding cell, further endangering the
5 victim.

6 A case that actually couples police
7 disregard for crimes lesbians and gay men and
8 police impropriety and stereotyping of our
9 community is that of Sylvia Lugo. Four years
10 ago, Sylvia and her female partner were the
11 victim of a push-in robbery. The women were
12 forced into their apartment at gunpoint. The
13 assailant then raped and murdered Sylvia.

14 When Sylvia's partner attempted to
15 stop the assailant from raping Sylvia she was
16 shot in the leg. The assailant then escaped
17 with a car the woman had rented for the
18 weekend. Sylvia's partner survived the
19 attack only to be accused of having some
20 involvement in the crime.

21 A full month after the incident,
22 the police have still not even shown the

1 survivor mug shots of possible suspects, nor
2 did they check the rental car, which had been
3 recovered, for fingerprints. In addition,
4 the police leaked information implicating the
5 surviving partner to the press, which then
6 proceeded to vilify Sylvia's partner.

7 Almost a year to the day after the
8 rape and murder of Sylvia, Alex Villanueva
9 was captured in connection with a subsequent
10 murder and confessed not only to that crime
11 but also to Sylvia's rape and murder. When
12 Villanueva was caught, he was wearing the
13 same hat that Sylvia's partner had described.

14 In this case, evidence suggests
15 that the police could not fathom that an
16 African-American lesbian could actually be
17 the victim of a crime and not a scheming
18 predator, which speaks to how the police
19 viewed both her race and her sexual
20 orientation.

21 As you can see from the witnesses
22 that have preceded me, police misconduct has

1 a terroristic affect on the community at
2 large, sending the message that police are
3 neither concerned with assisting lesbians and
4 gay or other victims of crime or in
5 apprehending the perpetrators of those
6 crimes.

7 The second way in which police
8 misconduct affects our community is through
9 the monitoring and restriction of gay spaces.
10 It's important to note that this community
11 still lacks standard gathering spaces, such
12 as churches, coffee houses, and community
13 centers; and many places, bars and public
14 areas remain the only spaces available for
15 community members to gather, socialize, and
16 organize.

17 However, police regularly raid
18 lesbian and gay meeting places, such as bars,
19 nightclubs, social clubs, and arrest those
20 gathering in gay-identified public spaces.
21 The number of people arrested and harassed in
22 these areas continues to increase. The 10

1 percent increase in police entrapment cases
2 and 88 percent increase in police raids from
3 1997 to 1998 reported in Anti-Lesbian, Gay,
4 Bisexual and Transgender Violence in 1998,
5 which if I can I'd like to enter into the
6 record.

7 The report recently released by the
8 National Coalition of Anti-Violence Programs
9 are testaments to the continuing use of
10 police forces to oppress our community. In
11 that same report, it was found that in New
12 York City the number of victims reporting
13 crimes to the police who were verbally abused
14 by police in that same period increased 400
15 percent, and those reporting physical abuse
16 by the police increased an outstanding, it
17 was over 2000 percent.

18 Finally, for those of us who are
19 lesbian or gay, and poor or young or
20 immigrants or people of color, the likelihood
21 that we'll be victimized at the hands of the
22 police is only compounded. A perfect and

1 tragic example of this dynamic is the Abner
2 Louima case in New York City, where the
3 police clearly understand these connections.

4 In the federal police brutality
5 trial of the four white officers charged with
6 beating Haitian immigrant Abner Louima and
7 sodomizing him with a broken broom handle,
8 the defense team for Officer Justin Volpe has
9 apparently made the decision to mask the
10 officer's racism with homophobia. Volpe's
11 attorney has made the outlandish claim that
12 Mr. Louima sustained a torn rectum and
13 punctured bladder not from an assault by
14 police officers in the 70th Precinct house,
15 but by engaging in consensual gay sex prior
16 to his encounter with the police.

17 This is despite any evidence that
18 Mr. Louima is either gay or engaged in such
19 behavior. The officers have apparently
20 decided that they cannot play the race card
21 at this time in downtown Brooklyn, but they
22 still think they can play the gay card. We

1 call on you to join us in both condemning
2 attempts to pit race against sexual
3 orientation in our work and your work and
4 ensuring that police misconduct is no longer
5 acceptable for any community. Thank you.

6 MR. CLYBURN: Thank you, Mr.
7 Patton.

8 MR. FAUNTROY: Mr. Chairman, I want
9 to ask unanimous consent to split my
10 testimony for the record and to briefly say,
11 to make two recommendations against the
12 background of the fact that it was no
13 accident that when Amodou Diallo was gunned
14 down in New York, I moved to have people of
15 conscience in the community convene at the
16 White House on President's Day and come to
17 Capitol Hill.

18 It's because, as some of you know,
19 I have spent the last 40 years organizing in
20 the streets of America and in the suites of
21 the Congress, 20 years up here on Capitol
22 Hill. I want to thank you in that capacity

1 for the five hours you have spent here in
2 this hearing. It's been a rich hearing.
3 Every witness who has spoken has had
4 something to contribute of depth and
5 substance to what you are now called upon to
6 do.

7 I, of course, represent the
8 National Black Leadership Roundtable, the
9 nearly 250 national black organization heads
10 who are your national network vehicle, and
11 please do not consider me presumptuous when I
12 say that I have been at the core of every
13 major change in public policy affecting
14 people of African descent in this country
15 over the last four years. It was not an
16 accident that I was in the East Room of the
17 White House on July 2nd, 1964, with Martin
18 Luther King, Jr., when Johnson signed that
19 bill. In Dr. King's opinion, I deserved to
20 be there and he had me there.

21 I was there a year later for the
22 Voting Rights Act of 1965, there because I

1 had, as I had been in '63, organized a key
2 effort for the March on Washington. I
3 organized the March from Selma to Montgomery.

4 It wasn't an accident that ten
5 years into my tenure here on Capitol Hill,
6 ten years of sitting through hearings like
7 this on banking, financing, urban affairs,
8 committee of the house. For ten years on our
9 select committee on narcotics abuse and
10 control that committee of the caucus, the
11 first Congressional black caucus alternative
12 budget, which some 21 years later got
13 implemented by you in the 103rd and 104th
14 Congress under President Clinton.

15 It's no accident that Nelson
16 Mandela is in the fifth year of his first
17 term as president of a new South Africa,
18 because when it wasn't working in the suites
19 up here, I got together with Randall Robinson
20 and Marion Francis Berry and Bill Lucy and
21 Eleanor Holmes Norton. We decided to do
22 something to raise consciousness and to prick

1 the conscience of the American people to
2 change public policy. It had worked in
3 Birmingham; it worked in Selma; and it worked
4 out here on Massachusetts Avenue when people
5 of conscience rose up and said, enough is
6 enough.

7 Against the background I just want
8 to emphasize two things. In this last panel,
9 you've been listening to what a few of us
10 have been hearing in three hearings that
11 we've had around the country, a part of some
12 16 that are on docket because people across
13 this country are saying come here. Our pain
14 and our need for justice.

15 I do want to encourage you to
16 assist us in seeing to it that when these
17 hearings are held, one is being held in
18 Richmond, California, and Joe Black and Joe
19 Madison and Dick Gregory are going to be
20 there for us with Martin Luther King III
21 convening that hearing. But it would be
22 wonderful if in every one of these 16

1 communities, the members of the Congress
2 would be able to hear what's happening to his
3 constituents. You would have the kind of
4 support I think you'll build the kind of
5 support we need for the kind of constructive
6 solutions that have been laid out before you
7 in this hearing.

8 The second thing I want to
9 emphasize with you is something that
10 Congressman Danny Davis kept hitting on. The
11 reason we got the Civil Rights Act of '63 is
12 that we pricked the conscience of enough
13 people in this country who said to their
14 members of Congress, don't let your name show
15 up on my ballot in November of 1964 if you
16 haven't voted what they'd been petitioning
17 for.

18 The reason we got the Voting Rights
19 Act in '65 was that people did the same
20 thing. The reason we got the King Holiday
21 bill and sanctions against South Africa is
22 that we brought 500,000 people here in 1983

1 to say, we want sanctions against South
2 Africa and we want a King holiday bill to
3 lift the American Dream on the conscience of
4 the American people every year.

5 They said, you're dreaming if you
6 think that's going to happen. But people
7 went back and said to their members of
8 Congress, don't let your names show up on my
9 ballot in 1986 if you haven't voted to
10 translate what those people had petitioned
11 you for in public policy and practice, and
12 they did. I believe thanks to the pain and
13 the endurance of not just these witnesses,
14 some of you saw us on the west front of the
15 Capitol all day long on April 3rd. I'm
16 running into it all over the country, and I
17 know that there will be no peace until
18 there's justice.

19 These mothers and fathers and
20 brothers and sisters who are carrying this
21 pain year after year after year deserve what
22 the American people, with your leadership,

1 can give.

2 Keep working on the case, and I'm
3 looking forward to a day when I can stand on
4 that floor with you and watch bills pass that
5 will serve notice on officers of the law that
6 if you do it, people like Al Sharpton and
7 others will raise a question in New York and
8 you'll be indicted. Not only that, but
9 jurisdictions around this country, thanks to
10 the wisdom of people like Johnny Cochran who
11 are organizing lawyers all over this country
12 to say we're going to put a price on the
13 taking of the lives of black and minority
14 people in this country by officers of the
15 law.

16 You let a few more five- or
17 six-million-dollar suits go down as the price
18 for taking a life in this manner, we're all
19 going to be looking back on this period and
20 saying, thank God for these people and for
21 you and the leadership you gave in that dark
22 period back in 1963. No, not 1965. No, not

1 1965, I meant to say in '84. No, not in '84.
2 I really mean 1999 and into the new
3 millennium. God's going to bless all our
4 efforts with success.

5 MR. CLYBURN: Thank you very much,
6 Mr. Fauntroy. Let me thank all of the
7 members of this panel for being here today. I
8 think we can do about ten minutes of
9 questions before we will have to leave.

10 Gregory Meeks opened his comments
11 today by quoting Martin Luther King, Jr., a
12 portion of his letter from Birmingham City
13 Jail, "Injustice anywhere is a threat to
14 justice everywhere." There's another little
15 portion of that letter I'd like to quote when
16 I get the opportunity. I want to quote in
17 closing my remarks here today before I yield
18 to Mr. Davis.

19 In that letter King also wrote that
20 "We are going to be made to repent in this
21 generation not just for the improper words
22 and deeds of bad people, but for the appal

1 and silence of good people." We're here
2 today to call upon the good people not to be
3 silent any longer because we think it's
4 important for all of us to speak out whether
5 or not we wear a blue suit or a grey
6 pin-stripe suit, we must speak out. So,
7 thank you all so much for being here today,
8 and I'll yield to Mr. Davis.

9 MR. DAVIS: Thank you very much,
10 Mr. Chairman, and I'm not going to actually
11 ask a question because I think our witnesses
12 have already raised and answered the issues
13 and the questions.

14 I simply want to thank this panel
15 of witnesses, who along with the all of the
16 others who have testified here today, have
17 given us our charge to action, who have
18 reinforced for America that there can be no
19 justice unless there is equal treatment, that
20 there can be no peace unless all of America
21 can expect to receive from those who charged
22 with the responsibility to serve and protect,

1 they do that across the board.

2 I simply, again, want to thank you
3 for the leadership you have demonstrated as
4 Chairman of the Congressional Black Caucus
5 who in a relative short period of time have
6 put your own pen in the actions and who is
7 building upon the legacy of our former
8 chairperson Maxine Waters, of all the other
9 chairpersons who have preceded each one of
10 you.

11 I want to commend, again, my
12 colleague, co-chairman of the committee, of
13 the task force. He and his staff have
14 demonstrated a recognition that one step
15 moves us in the direction of where we need to
16 go, and all of our colleagues and spent their
17 day.

18 Traditionally on a Monday, if we're
19 not voting, people are in their communities,
20 in their districts, trying to interact with
21 and work with their immediate constituents,
22 those who sent them here. But each one of

1 our colleagues has taken time out from that
2 task to come and share with this national
3 perspective.

4 I can tell you that you make me
5 proud of the fact that I have the opportunity
6 to work with you, knowing that changes are
7 tough; situations are hard. But I've always
8 been told that if you want to go south, the
9 first things that you do is turn and face
10 that direction, and every step that you take
11 will get you a little bit closer to
12 Birmingham, Alabama.

13 But if you're headed up towards
14 Canada, or you're floating around and can't
15 decide what to do, the chances are good that
16 you'll never get to Tallahassee, Florida.
17 So, I simply want to commend all of us for a
18 tremendous day, and again thank the witnesses
19 and especially do I want to thank
20 Representative Fauntroy for the leadership
21 role that he has played in this effort and
22 continues to play. I thank you, Mr.

1 Chairman.

2 MR. CLYBURN: Thank you Mr. Davis.
3 Mr. Meeks.

4 MR. MEEKS: Thank you, Mr.
5 Chairman, and I, too, have no questions for
6 this panel. I just want to thank this panel
7 for sharing with America your unfortunate
8 experiences that you had to go through and
9 endure even as we are about to enter a new
10 millennium. It would seem that this country
11 should have learned by now. This is not a
12 new event.

13 But I'm sure that your sharing with
14 us and sharing with America the true facts
15 exposing what's going on because, as
16 Representative Fauntroy has indicated, that
17 what took place in the early '60s, why the
18 March in Selma was important, it exposed to
19 America what was going on. It made America,
20 when it did not want to open its eyes open
21 its eyes, and your testimony here today I
22 believe will be the beginning of wakening

1 America.

2 I am so pleased to be a member of
3 this Congressional Black Caucus because as we
4 began to work on this issue, the tireless
5 efforts of our Chair to make sure that this
6 process took place sooner rather than later;
7 my co-chair, the great Congressman from
8 Chicago, who he and his staff made sure that
9 this was the starting point for the
10 Congressional Black Congress or restarting
11 point, unfortunately, to make sure that we
12 begin to get justice in America.

13 It seemed when the tragic death of
14 Mr. Diallo took place, that the Lord works in
15 mysterious ways, because as we began to
16 protest and as we began to come together, we
17 found again, and I talked to my colleagues
18 all across this land, whether it was as far
19 west as California; in the south, as Texas;
20 coming up north, New York, New Jersey,
21 Baltimore, Washington, Chicago, that the same
22 kind of illicit behavior by the police

1 department was taking place.

2 Someone said, I'm sick and tired of
3 being sick and tired. I can tell you that as
4 a relatively new member of this Caucus, I can
5 tell you from the dedication of the
6 individuals that sit on this Caucus, that we
7 will not be still until we continue your
8 voice in the halls of Congress so that
9 justice will reign for each and every one of
10 your losses and for all of those who have
11 been victims of police brutality. Thank you.

12 MR. CLYBURN: Thank you, Mr. Meeks.
13 Mr. Scott.

14 MR. SCOTT: Thank you, Mr.
15 Chairman. Mr. Fauntroy, do you want to
16 explain that number beside you?

17 MR. FONTROY: As a matter of fact,
18 it just occurred to me. Organizing in the
19 streets and in the suites, sometimes your
20 emotions override your intellect. But we've
21 got a perfect blend here.

22 The most important thing that

1 brother Davis pointed out is that there's a
2 linkage between public policy and the healing
3 of pain. Dr. King lived on the belief that,
4 as he put it, "What you do for Christ, you
5 serve Christ by serving those in need," and
6 there's nothing more important than people to
7 call this number. It's 1-900-226-5715,
8 extension 184.

9 There you'll be able to do three
10 things. One, contribute to the effort to get
11 these hearings all over the country; two, to
12 register incidents of police misconduct that
13 you have personally witnessed or sustained
14 yourself; and three, and most important, to
15 give us your name and address because we have
16 a process now by which we can send you the
17 names of five people who live on the block
18 where you live who are not registered.

19 I believe that people of
20 conscience, black and white and red and brown
21 and yellow together, stimulated by what their
22 ears have heard and their hearts have felt

1 today, will take their five and take them to
2 the polls in '99 for local elections and in
3 the year 2000. They will understand that it
4 is mayors and county councilmen, county
5 council executives, who appoint police
6 chiefs, and it's police chiefs who supervise
7 the persons, some of whom are guilty of the
8 kind of abuse that you've heard here, and so
9 I do want people to call that number.

10 SPEAKER: Is that a toll number?

11 MR. FAUNTROY: It's a 900 number so
12 you can give a little something to get these
13 hearings around. If everybody does a little,
14 if everybody does a little, nobody has to do
15 much. The time is coming, because I've been
16 on both sides of this, when members of the
17 Congress and the people seeking the office of
18 mayor say, I can't wait to translate what you
19 believe into public policy and practice,
20 because that's the American way.

21 MR. SCOTT: Thank you, Reverend
22 Fauntroy, and I want to thank you for your

1 hard work over the decades, and Mr. Chairman
2 and the co-chairs for their leadership on the
3 issue, but most of all the witnesses who've
4 been able to put a human touch on this.

5 I've been working with Ms. Elliott,
6 who's originally from my district in
7 Portsmouth. That case just will never sound
8 right. I don't care how many times they
9 investigate it. There is no excuse for that
10 outcome for that situation. I don't care
11 what the investigations prove, that should
12 not have been the result of that arrest.
13 That human touch reminds us of how much work
14 we've still got to do. Thank you, Mr.
15 Chairman.

16 MR. CLYBURN: Thank you, Mr. Scott.
17 Ms. Christensen?

18 MS. CHRISTENSEN: Thank you, Mr.
19 Chairman. I want to again thank you for
20 holding this hearing. I want to thank my
21 colleagues again for their leadership:
22 Gregory Meeks, Danny Davis, and all the rest

1 of the colleagues who attended.

2 I want to thank you, Reverend
3 Fauntroy for all that you've done to empower
4 us to be able to be here today, and all of
5 those who testified, especially the last
6 panel for sharing not only with us but with
7 America your own personal grief and the
8 stories.

9 This is one of three notable days
10 since I have been here. I'm not as new as
11 Congressman Meeks, but almost. One was the
12 hearing on the black farmers last year, and
13 it was a very moving day for us. But from
14 there, although we're not finished, we have
15 been able to put our black farmers on the
16 road to justice.

17 A second one was when we met with
18 AIDS advocates around the country, and we
19 were able after that, by mobilizing those
20 groups and by our activity, to put \$156
21 million into African-American and other
22 communities of color to address the issue HIV

1 AIDS. This is a day like those days, and I
2 want to say to you that the Caucus will again
3 meet the challenge that you've placed before
4 us because, as has been said many times
5 today, without justice there will be no
6 peace.

7 Not only will there be no peace for
8 America, but there will be no peace for your
9 loved ones and for the families, so, again,
10 thank you for having this hearing and thank
11 you for being here.

12 MR. CLYBURN: Thank you, Ms.
13 Christensen. Ms. Holmes-Norton.

14 MS. NORTON: Thank you, Mr.
15 Chairman. My special gratitude to the
16 witnesses who have come forward today,
17 especially since two of them are from the
18 District of Columbia, but as well as for all
19 the witnesses who gave testimony.

20 My only regret is, because this is
21 my district there were preexisting
22 commitments to go into the city and I missed

1 several of the witnesses, but these are the
2 witnesses I think that the members most
3 needed to hear and I am very glad that I was
4 able to hear personally.

5 I want to thank especially my
6 distinguished predecessor, who has never
7 missed a beat since leaving Congress and is
8 doing the same kind of extraordinary work he
9 would be doing on this issue had he decided
10 to remain in the Congress, in the city, and
11 in the nation, and I want to personally thank
12 him for the work he did in the Caucus and in
13 the Congress before I came, and for the way
14 he has steadfastly continued to do this
15 important work.

16 The witnesses, it seems to me, have
17 documented what I indicated in my own opening
18 remarks, but especially have the witnesses
19 from the District of Columbia done that,
20 because you may recall that I said that
21 unfortunately the nation's capitol had become
22 the poster child jurisdiction for police

1 brutality, except that we don't stop at
2 brutality here because police discharge their
3 firearms more often here than in any other
4 jurisdiction.

5 It would seem that we don't beat
6 them; we kill them. Unfortunately, these two
7 residents of the District of Columbia
8 provided the most tragic evidence of the
9 truth of that, and it sinks in and strikes
10 home when we're not only talking about
11 statistics provided by the District of
12 Columbia or the Justice Department, but have
13 to look at the human manifestation of those
14 statistics.

15 I want to say to Ms. Owens, thank
16 you for coming here, because in a real sense
17 it tells us that when people go at people
18 based on their color, they don't care much
19 about their gender much of the time. One
20 wonders if they wouldn't have been caught
21 short if it were a white woman, because
22 somehow you don't treat women that way.

1 That understanding, when it comes
2 to a black woman, somehow gets missed
3 altogether because this issue is really so
4 dominated by black men who appear to be the
5 chief victims. It was important to hear your
6 testimony.

7 I want to say to you, Mr. Patton,
8 that, though you're not from the District of
9 Columbia I believe, I appreciate your coming
10 forward because everybody needs to hear that
11 this kind of brutality is practiced against
12 people who the police believe are different
13 from them.

14 The first and foremost people they
15 believe are different from them are people
16 whose color is different from them. But
17 people who are also different from them, or
18 at least from some of them, they think are
19 gay men and lesbians. Now, I regret that in
20 this very progressive jurisdiction, which,
21 way back in the '60s, had the most
22 progressive legislation in the United States

1 barring discrimination and gay men and
2 lesbians, has also had also had gay men and
3 lesbians attacked in the street, and you
4 talked about the race card and the gay cards?
5 They're the same cards. If you are against
6 discrimination based on race, then you've got
7 to be against dragging a man in the street
8 because his sexual orientation is different
9 from that of the majority of us.

10 That is what happens in this
11 country as well, and black people should be
12 the first to be able to make that analogy.
13 I'm pleased to say that in the District of
14 Columbia we have had that kind of
15 legislation, but our police have apparently
16 not gotten the message.

17 Now, I do have one or two questions
18 for these witnesses from the District of
19 Columbia because it is shocking testimony.
20 It's the only thing I can, it's the only way
21 in which I can refer to it. When you think
22 you've heard it all, you begin to hear

1 testimony that makes it clear you haven't.

2 It seems to me, most unbearable
3 after someone is killed is not getting
4 justice. I need to know the status of both
5 of these matters because when the fiscal
6 crisis came in the District of Columbia, one
7 of the first things they found out was that
8 detectives were working overtime, the cases
9 weren't being closed, and we had the largest
10 backlog of cases not closed and all this
11 overtime piled up, so I've got to ask you
12 whether or not either of you has been told
13 that your case is still pending. Have you
14 been told anything about the status of the
15 investigation involving the death of your
16 loved one?

17 MS. GEDDIE: With my son, Joseph
18 Cooper, I received a phone call from the
19 United States Attorney's Office stating that
20 my son's case was closed. The reason, they
21 said that they felt that the shooting was
22 justified.

1 MS. GETACHEW: October 1996 I
2 approached Mr. Ed Colter and insisted a
3 meeting with him. He was the Attorney
4 General then. He was looking over my
5 brother's case and he told us that the
6 shooting was justifiable.

7 MS. NORTON: I will be writing to
8 the U.S. Attorney on behalf of both of these
9 families to get a written and detailed
10 explanation of why they believed these cases
11 were justified.

12 I have two more questions for each
13 of you. One, the three days when there was
14 no identification, was there identification
15 on the body of your son?

16 MS. GEDDIE: With my son, when he
17 left the house he had ID on him, but let me
18 state this: November the 11th in Washington,
19 D.C., on that date was icy cold. My son's
20 body, when it was turned over to the funeral
21 home, he had long-johns, a pair of pants, his
22 socks and shoes, and up top the only thing he

1 had on was a lightweight jacket. IDs and
2 everything disappeared. Remember, it was icy
3 cold that night. The last time I'd seen my
4 son alive, it was ice hanging from the tree
5 limbs.

6 MS. NORTON: Finally, Ms. Getachew,
7 I didn't understand your testimony about your
8 son's body being?

9 MS. GETACHEW: The condition of the
10 body?

11 MS. NORTON: Yes.

12 MS. GETACHEW: We don't know what
13 happened.

14 MS. NORTON: Had you authorized any
15 autopsy?

16 MS. GETACHEW: They have performed
17 an autopsy.

18 MS. NORTON: Did you inquire what
19 happened to, had you authorized the donation
20 of any organs?

21 MS. GETACHEW: Even though he was a
22 donor, we had called the American Donor

1 Association and we were told that without the
2 consent of next to kin that there would not
3 be any.

4 MS. NORTON: That's true. The card
5 is not enough.

6 MS. GETACHEW: We do have a video
7 and pictures, and I have not had the stomach
8 to look at it, but a couple of my sisters
9 have witnessed it, and up to now we don't
10 know what had happened but we were also told
11 that the top part, the upper torso of his
12 body, was in a plastic garbage bag that was
13 given; it was never sewn back after the
14 county had done their autopsy.

15 MS. NORTON: There were outrageous
16 conditions in the morgue during a period in
17 the District of Columbia. That is something
18 I want also to look into and I'll ask my
19 staff to make sure they talk with both of you
20 before you go. These cases are not closed.

21 MS. GETACHEW: Can I say something?
22 My brother, when he was taken to the D.C.

1 General, he was taken as Anteneh Getachew,
2 not as John Doe, so they knew his whereabouts
3 and they did have information on him. I am
4 more than willing to share the videos or the
5 pictures with any of you because we do, as an
6 orthodox Christian, we do need to know what
7 had happened to those organs, and that's
8 basically it.

9 MS. NORTON: There are
10 reinvestigations of a whole set of cases
11 going on in the District of Columbia. As far
12 as this Caucus is concerned, these cases are
13 not closed and you should know that until
14 justice is done, we will not regard these
15 cases as closed.

16 MR. CLYBURN: Thank you Ms. Norton.
17 Ms. Johnson.

18 MS. JOHNSON: Thank you, Mr.
19 Chairman, and thanks to the persons who are
20 chairing this task force and thanks to all of
21 the witnesses. It is clear that this
22 continues. I first started this in Texas

1 back in 1973/1974 and then Congressman
2 Conyers had hearings around the country and
3 we are still here listening to the same kinds
4 of testimony and dealing with the same kinds
5 of problems.

6 It's ironic that the only time you
7 hear human rights violations mentioned in the
8 U.S. House of Representatives is when they
9 talk about human rights violations in China
10 and other countries and that somehow the ears
11 are not listening to the human rights
12 violations right here in our own America.

13 But we cannot stop, and we pledge
14 to you that we will not stop, not even
15 slacking the pace until we get some kind of
16 resolution to the behavior of the uniformed
17 police culture in this country. It is clear
18 that it's going to take a very incisive and
19 very decisive type of approach throughout
20 this country.

21 It seems that we're addressing a
22 culture that needs to have some improvements,

1 and I pledge to you that we will continue to
2 look at all of these areas until some kind of
3 justice is begun to be practiced. We talk of
4 it, we speak of it, but we still hear that
5 it's not being practiced. I think all of you
6 have been a part of what I hope will begin to
7 change the culture in this country as it
8 relates to uniformed law enforcement
9 officials. Thank you, Mr. Chairman.

10 MR. CLYBURN: Thank you, Ms.
11 Johnson. Let me thank all the members of the
12 Caucus for being with us today, spending this
13 day with us, and all of you panelists. Thank
14 you so much.

15 We have to vacate this office in
16 three minutes. Please identify yourself. We
17 have to vacate.

18 SPEAKER: I'm speaking for my
19 cousin Kenny Harris who was murdered August
20 2nd, 1997, by Arlington County police on a
21 routine traffic stop.

22 MR. CLYBURN: Yes, ma'am. Want to

1 identify yourself?

2 SPEAKER: I'm the mother.

3 MR. CLYBURN: You're the mother?

4 SPEAKER: Yes.

5 MR. CLYBURN: Thank you very much.

6 We want to have staff get in touch with you
7 after this because we don't have, as we would
8 like to develop some dialog with you for
9 future reference. We will have five more
10 regional hearings around the country and we
11 may like to have you participate in those if
12 you don't mind.

13 SPEAKER: All right. Thank you.

14 MR. CLYBURN: Thank you so much.

15 We are very sorry, but as you know we are
16 pressed for time. We made that announcement
17 at the beginning. Thank you so much.

18 (Whereupon at 3:00 p.m., the
19 PROCEEDINGS were adjourned.)

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